

# IMPLEMENTATION OF THE HELSINKI ACCORDS

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Implementation of the Helsinki Acco...

## HEARING BEFORE THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE ONE HUNDRED THIRD CONGRESS SECOND SESSION

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DISABILITY RIGHTS AND U.S. FOREIGN POLICY

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SEPTEMBER 21, 1994

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Printed for the use of the  
Commission on Security and Cooperation in Europe  
[CSCE 103-2-16]



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# DISABILITY RIGHTS AND U.S. FOREIGN POLICY

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WEDNESDAY, SEPTEMBER 21, 1994

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

*Washington, DC.*

The hearing was held in room 2200, Rayburn House Office Building, Washington, DC, at 2 p.m., Senator Dennis DeConcini, Chairman, presiding.

Present: Hon. Dennis DeConcini, Chairman, Hon. Steny Hoyer, Co-Chairman, and Commissioner Christopher H. Smith.

Chairman DECONCINI. The Helsinki Commission of the United States Congress will come to order.

Congressman Hoyer will be here later and is tied up with some leadership duties right now and he's asked that I proceed.

I want to welcome our distinguished guests to this Helsinki Commission hearing, examining disability rights as they pertain to the United States human rights policy and foreign assistance issues.

I also want to put in the record a letter from Senator Bob Dole congratulating the Commission on holding these hearings. As you know, he's been the leader on the Senate side on this issue.

The United States has, for decades, played a leading role in promoting human rights and democracy around the globe. Yet not until recently have we directly addressed the rights of persons with disabilities in an international context; despite there being an estimated 500 million persons with disabilities worldwide. We must aggressively work to ensure that the unlimited potential of half a billion people is not underestimated in the future. The rights and opportunities of these people must be protected and promoted, just as are the rights of any person who might face discrimination for whatever reason.

With passage of the Americans with Disability Act of 1990, the United States government established new legal standards to ensure unprecedented equality of opportunity to people with disabilities in this country. At the 1991 Moscow CSCE meeting, the U.S. delegation, which included our distinguished Co-Chairman Steny Hoyer, successfully developed language to promote and protect the rights of persons with disabilities. The Moscow document, adhered to by 53 participating states, was the first such CSCE commitment in this area. In 1993, the Disability Rights in American Foreign Policy Act was introduced in the House and Senate to require the Secretary of State to include an examination of discrimination against people with disabilities in the annual report on human rights.



The task before us today, however, is to move beyond these initial steps intended to expand existing international human rights protection to include people with disabilities. The more meaningful challenge facing policymakers lies ultimately in efforts to create through international cooperation, education and technical assistance a fundamental change in attitude towards persons with disability. We must begin to incorporate into our foreign assistance and democracy- building efforts programs which not only aid persons with disabilities but which encourages governments to allow them to contribute to their society worldwide. While we still have a distance to go here in the United States, we have made significant progress in the last two decades and we should share both the good and the bad lessons we've learned in this endeavor with other governments.

Our witnesses today are uniquely qualified to speak on policies at home and abroad which address the rights of persons with disabilities. We hope to learn from them what further steps need to be taken so that our foreign policy and human rights policy reflects the better aspects of our domestic policies with regards to persons with disabilities.

I want to acknowledge the presence of Donna Noland from Arizona. She directs the Arizona office of Americans With Disabilities and has worked tirelessly for many years. She is always so nice to compliment me for my participation in this, but Donna has played a major role in getting members of the Arizona delegation. It hasn't been difficult to get me, but she has consistently brought to our attention many different issues and we've worked hard to see that we have responded to that, and we thank you, Donna, for your continued and tireless effort.

At this time, before I introduce our two first panelists, I'd be glad to yield to the Congressman from New Jersey.

Mr. SMITH. Thank you very much, Mr. Chairman.

As ranking member of the CSCE on the Republican side, I join you in welcoming our very distinguished panel of witnesses. I'm very eager to hear the testimony which they have prepared for our Commission.

I believe that the debate on the issue of disability rights in U.S. foreign policy is not a question of whether or not it should be made a part of the human rights portfolio, but rather what is the most effective means for making it a priority. It's a given that we need to take our view that those who are in any way disabled should be treated with the utmost respect and as our own disability rights legislation in recent years has shown, we are trying to add teeth to the implementation of that right. A right is really a very hollow one if it cannot be adequately secured and exercised by those who are suffering disabilities.

So, I do welcome our distinguished panel and look forward to their testimony.

I would ask that my full statement be made a part of the record.

Chairman DECONCINI. It will be part of the record, and thank you, Congressman, very much for your participation, not only today but throughout this effort that I've been involved with the Commission.



Our two panelists now are first Justin Dart, Jr. is a worldwide advocate of disability rights who played a leading role in national disability policy. Congress, five presidents and five governors have appointed him to positions including Chair of the President's Committee on Employment of People with Disabilities and Chair of the Congressional Task Force on the Rights and Empowerment of Americans with Disabilities. Mr. Dart has represented the United States at various international forums on disability issues for many, many years.

Also, we have Judy Heumann as Assistant Secretary for Special Education and Rehabilitative Services at the United States Department of Education, responsible for Federal programs serving six million disabled persons. She oversees the Office of Special Education Programs, the Rehabilitation Service Administration and the National Institute on Disability and Rehabilitation Research. Ms. Heumann co-founded the World Institute on Disabilities, the world's first disability think tank, and served as its vice president for ten years.

We'll start with you, Mr. Dart. Thank you, sir.

### **TESTIMONY OF JUSTIN DART, JR. ADVOCATE FOR RIGHTS OF PEOPLE WITH DISABILITIES**

Mr. DART. Thank you.

Mr. Chairman, Congressman Smith, I congratulate the Commission on this historic hearing to initiate an appropriate focus on disability rights in U.S. foreign policy, and it is an honor to participate. Thanks to you, thanks to many in this room, America is at the cutting edge of domestic disability policy, Independent Living, 504, 94-142, Deinstitutionalization, the magnificent Americans with Disabilities Act.

Now the time has come for the United States to establish a foreign policy on disability based on the principles of its outstanding domestic policy. Throughout all history, we who have disabilities have been treated as subhumans. At worst, we have been killed or left to die as beggar-outcasts. At best, we have been subjected to oppressive paternalism, often segregated in prison-like institutions or back rooms. There are still countries in 1994 where children with disabilities are killed, legally. Even in America, after ADA and in those few other nations with aggressive disability rights policies, discrimination remains deeply rooted in attitude and in practice.

My mother and my brother took their own lives as a direct result of the prejudice they faced because of their disabilities.

My beloved foster daughter, Etsuko, a person with cerebral palsy, was incarcerated for many years, raped, prostituted and driven to psychiatric disability and attempted suicide in an institution in the richest country in the world.

More than 500 million people with disabilities are the poorest, most oppressed people on earth. We humans do not even bother to count how many millions of our brothers and sisters with disabilities die each year by murder, suicide or denial of the basic necessities of life.

So, we gather to create a disability foreign policy. What precisely is the task before us? It is not simply to eliminate discrimination against a minority of persons who are tragic victims.

We address the largest human venture in recorded history. The age of science and free enterprise democracy has given birth to a new kind of human being. We are 100 times more independent and 100 times more interdependent than our predecessors who occupied this planet for more than 99 percent of our history. We live twice as long. Disability, chronic illness, the frailties of old age used to signal the end of active life. Now they are simply characteristics of a normal life span.

Science and democracy have given almost all of us, people with and without disabilities, young and old, chronically ill and well, a proven potential to be at least a hundred times more productive than the strongest and healthiest of our ancestors of 1,000 years ago. We have the potential to create a quality of life that was far beyond the grasp of any Roman emperor or pharaoh.

But for the vast majority of today's humans, that potential remains an unreachable dream because in most instances we are trying to use old concepts, old systems and old environments to meet the needs of the new humans.

The task of humanity now is to create a new culture that will empower the new humans to fulfill their magnificent potential. Our task here today is to begin to construct a disability foreign policy that will provide dynamic thrust toward that empowerment culture.

Now, where do we start? A handful of Americans have been pioneer voices for empowerment in a wilderness of paternalism and abuse, Judy Heumann, Paul Silva, Bruce Curtis, Susan Sygall, Ralf Hotchkiss, many among you in the Congress. There have also been a few progressive initiatives by U.S. AID, USIS, the Peace Corps and other entities in our government. Thanks to Senator Dole and Alex Vachon here today, with the help of Senators Harkin and Simon and others among you, last year our State Department made its first annual report on the human rights of people with disabilities in every nation.

But we, as a nation, have not developed anything even close to a comprehensive disability foreign policy. Now, what will our new policy be? Our foreign policy on disability must reflect the philosophy and goals of our domestic policy, independent living and the ADA. In the eloquent words of President Clinton, "inclusion, not exclusion, independence not dependence, empowerment not paternalism."

First, our disability foreign policy must be created and implemented with the full participation of members of the disability community. Not simply as advisors, but as executives, staff at all levels and, yes, as cabinet ministers and ambassadors.

Second, the President, his Administration and the Congress should provide strong visible leadership to ensure that the empowerment of people with disabilities becomes top priority in the overseas operation of all government agencies, of businesses, and of private citizens.

Third, we should encourage and enable the American disability community to support the empowerment of their brothers and sis-

ters with disabilities in every nation. We should support Disabled Peoples International, Rehabilitation International, and other international disability rights entities.

We should encourage other governments to adopt comprehensive policies to empower people with disabilities in the productive mainstreams of their cultures starting with disability rights laws like the ADA, Integrated Education for Empowerment, and independence oriented services.

Fifth, we should ensure that none of our foreign aid, none of our private sector investments abroad, none of our national prestige is expended on inaccessible facilities, segregated services or other discriminatory practices.

I recommend the following steps for immediate action.

The National Council on Disability should act forthwith to formulate specific recommendations for a foreign policy that addresses the empowerment of people with disabilities.

Second, during the time that comprehensive long-range policy is being developed, the Executive Branch and the Congress should cooperate with disability community leaders to initiate interim action, including funding that would enable the American disability community to interact with its counterparts in other nations.

Third, the Administration should act immediately to ensure that U.S. participation in international activities—the preparation and implementation of policy, delegations to meetings—always involves representatives of the disability community. Certainly our delegations to the upcoming U.N. summits on social policy and the status of women must include authentic representatives of our disability community. Among current Presidential appointees, Judy Heumann, Marca Bristo, Tony Coelho, and Bob Williams are only a few of the super qualified candidates. There are many more from the private sector.

Now this is an ambitious agenda. Where will we get the money? That's the wrong question. Investments of modest millions in empowering people to be equal and productive will in the long-term save billions now spent to deal with the disastrous results of discrimination and paternalism. It's a lot cheaper to send Judy Heumann to Haiti than a company of soldiers.

The real question is not where will we get the money, but where will we get the courage to overcome discriminatory attitudes and to eliminate obsolete practices.

Chairman DeConcini, Chairman Hoyer, Congressman Smith, the world is watching. Because we are American, our success to keep the promise of the ADA to empower the new human will trigger the emancipation and the prosperity of billions of people in future generations. Our failure would be a tragedy beyond words and beyond tears.

We need your leadership. We've had it before. I know we will have it now. We of the disability community will do our part. Together we shall overcome.

Chairman DECONCINI. Mr. Dart, thank you very much for a very eloquent statement.

I yield to Co-Chairman, Mr. Hoyer, for any opening statement he cares to make.



Chairman HOYER. Mr. Chairman, I will have my opening statement included in the record, but I want to apologize for just missing the first page of your testimony. I read the first page while you were speaking and caught up with you. Mr. Chairman, as you know, Justin Dart is one of the giants of this country in terms of civil rights, in terms of his commitment to all peoples and of his fight to make sure that the abilities of every American and indeed every world citizen are allowed to be realized to the fullest extent possible.

One of the great joys of my life and particularly in my involvement with the Americans with Disabilities Act has been to become a good friend of Justin Dart's—Judy's as well. Justin Dart is, as I said, a giant in this country in terms of his leadership. Much more general than disabilities, but clearly on disabilities, but much more general than that. This was a very powerful statement. We are faced with a tremendous opportunity and responsibility for leadership for this country. We have already, as you know, taken some steps within the Helsinki process to raise the consciousness of those who participate in the European theater, some 53 nations that are now Helsinki signatories, as to the reality of this being a human rights question which is very much within the purview of the Helsinki document and the Helsinki process. Working together, we will overcome prejudice, we will overcome the barriers both physical and psychological to the realization of the talents of so many people who are now looked upon blindly by so many as having a disabling characteristic which, in fact, is disabling perhaps for one thing but not for so many others.

I liked your concept of the new humans and I think it is a concept that is a very dynamic and exciting one, and one which we all need to be very aware of. So, I thank you for a very compelling statement. But much more importantly than that, I thank you for the leadership you and your wife and those with whom you have been associated with through the years have given to this country and to all of its citizens.

Thank you.

Chairman DECONCINI. Thank you, Chairman Hoyer. Appreciate that. It couldn't be more deserving or better said.

Now we will turn to not a new human, but Ms. Heumann, who indeed has an outstanding record of her own, for her statement.

Chairman HOYER. A relatively new human. We want you to know that.

**TESTIMONY OF JUDY HEUMANN, ASSISTANT SECRETARY FOR  
SPECIAL EDUCATION AND REHABILITATIVE SERVICES, U.S.  
DEPARTMENT OF EDUCATION**

Secretary HEUMANN. When I ran for city council in Berkeley, my slogan was, "Another Human for Heumann."

Anyway, I'd really like to thank all of you for having allowed us the opportunity to come and speak with you. I've been involved in doing international work in the area of disability for more than 20 years and it's really only been in the last few years that the Congress has had an interest in even listening to the comments that we have been making. It has really been an embarrassment for me for many, many years to have to be traveling abroad and to see

how other governments have been taking a very proactive position both financially and in assuring that disabled people are a part of the deliberations, and, to see our country not having taken an up front, visible role. So I think you'll see a similarity in all our statements because the handful of us who have remained active and hoping that the Congress would follow us have had a lot of time to speak to each other; I think our views are really very similar.

I, of course, would like to say that I admire very dearly Justin Dart, who has been a very dear mentor and friend, and a very strong leader in this country. His words are, as usual, right on target.

I was fascinated to read recently that Paul Goma, one of Romania's leading writers, who was forced to flee that country after his 1977 petition protesting the regime then in place, has just gotten to know the three blind Rumanians who had also signed that petition at great personal risk. Goma only learned of their experience through our Radio Free Europe broadcasts.

We know from Vaclav Havel, President of the Czech Republic, who spent years of exile in the USA, that many Eastern and Central Europeans found the opening to press for human rights only after the Helsinki Accord gave them a platform to do so. By spelling out in one of its ten principles that the participating countries will respect human rights and fundamental freedoms, this document became a beacon for millions.

Disabled individuals have often joined in the human and civil rights struggles of oppressed groups and minorities, although history sometimes has not recorded our presence. That is why today I am honored to provide testimony about how disability rights, concepts and practices can contribute to the process now underway to review the Helsinki agreements.

Many of the CSCE countries have heard about our Americans with Disabilities Act which you, Congressman Hoyer and other members, worked so hard to adopt in a model of bipartisan efforts. The disability leadership of these countries want information and technical assistance in addressing similar problems.

We need to make our experience in developing strong U.S. legislation and policies available as an extension of our own foreign policy. We need to align our foreign policy objectives with our domestic policies in the disability field. We should be supporting international exchanges of policy makers, legislators, educators, disability leaders and labor leaders. These exchanges would assist those CSCE countries who are just beginning to develop laws and policies for individuals with disabilities to avoid some of our costlier mistakes. We now know, for example, that it is economic folly to maintain people in costly institutions, wasting millions of dollars and lives. We know this also perpetuates second class citizenship. We know that the better an educated person is, the better opportunities they have in being able to obtain employment. We believe they need the same sort of legislative platform as the U.S. has accomplished to enable them to make the same kind of gains.

I'd also like to say that I think one of the important roles that all of you as members can play, and I really would encourage you not to minimize this, is to be able to have exchanges with your peers in other countries because I have found that one of the big-

gest gaps has been that elected representatives in other countries have not had the opportunity to talk to elected representatives in our country to be able to sit down and discuss some of the issues of concern that you had when you were grappling with legislation like the Americans with Disabilities Act, and to be able to retrospectively talk about what your fears were, how the legislation was developed and, in reality, what's actually happened.

I think there's nothing that can replace an elected representative able to have these discussions with other legislators. Advocates unfortunately are too frequently seen as just being advocates and having an agenda that is not necessarily in the best interest of the country.

Around the world, legislation establishing the rights of citizens with disabilities is being debated and adopted. Through U.S. initiatives and 17 years of effort with the Organization of Economic Cooperation and Development, several of OECD's member states have adopted laws or policies providing equal access to education for disabled children and youth. This summer a clause was added to the new German constitution stating that, "No one shall be discriminated against because of a disability," after intervention by Chancellor Kohl.

This spring, an American disability rights team went to New Zealand and Australia to advise on implementation of its human rights laws which is inclusive for disabled people. We also know that new comprehensive disability and rehabilitation legislation is being developed in Hungary, the United Kingdom and India and was recently enacted in Australia, Russia, Sweden, Austria and the Czech Republic. In each case, disability groups had been in touch with their U.S. counterparts. This is because of our international reputation as a leader in laws and policies, affirming the equal access of disabled citizens to society's structures and services.

Disabled people in this country frequently talk about the fact that there is really no country yet that has comprehensive policies which will assure disabled people equal access to all opportunities in society, but see ourselves within the United States as really being the leaders in the civil rights and human rights movement, particularly in the area of disability.

At the same time, many new groups of disabled people are being formed throughout the CSCE "emerging democracies." In some cases, I am glad to report they are receiving modest U.S. technical assistance in developing disability rights and independent living approaches. In other cases, they are receiving support from the older European democracies. Most, however, are working in isolation and could benefit greatly from broader CSCE initiatives to provide support and exchange of experience.

I believe that what the U.S. has to offer the CSCE states is our substantial experience of the last decades in creating the building blocks of equal access. We all know about the passage of the Rehabilitation Act and the importance of Title V, Section 501, 2, 3, 4, which are really not similarly found in many other countries. Access to education in the least restrictive environment with most inclusive settings for disabled children as a result of the Individuals with Disabilities Education Act. I think as you review the educational laws in other countries, you'll see that our legislation is



really much more forthright and is resulting in disabled children in many cases receiving a better education.

U.S. citizens with disabilities also have better access to rehabilitation and independent living services afforded by the Rehabilitation Act of 1973. The rehab programs that we have in this country are not found in many other countries. I think from an employment perspective we have a lot to offer the world.

Architectural barrier laws and the Americans with Disabilities Act have committed the U.S. to a time table to make its structures and transport systems accessible and to prevent discrimination against disabled Americans trying to enter the work force. Federal and state monitoring and compliance mechanisms make sure that these laws impact on the everyday realities of the estimated 49 million Americans with disabilities and their families.

Hundreds of thousands of Americans with disabilities have formed coalitions and networks to press for key laws and participation in their drafting. Because disabled Americans and their supporters in Congress—many of whom are here today—worked together on these laws, they reflect the National consensus on the necessary building blocks of disability policy.

I believe that the U.S. disability community has demonstrated that with the supportive laws and policies that encourage our active engagement in society, we have become productive contributors to the economy and the overall American culture. A recent longitudinal study produced in my Office of Special Education has shown that the longer disabled youths remain in school, the more likely it is that they will become employed and have greater earning power. We need to share these experiences with some other of the CSCE countries that are still discouraging disabled children from attending school at all or are isolating them from their peer groups in segregated settings.

We need to pull together the lessons we have learned in this country about how to reduce financial and physical dependency of disabled populations by supporting independence and productivity.

Our tool for sharing our accomplishments is contained in the philosophies which govern the crafting of the Individual With Disabilities Education Act, the Rehabilitation Act, and so forth. We need to extend this domestic policy into the international arena through foreign policy, making sure that we export the philosophy and best practices in disability rights and independent living. This means our foreign aid dollars, for example should go towards building accessible not inaccessible structures and our technical assistance and bilateral aid should be inclusive of disabled persons. Foreign disability policy should reflect the American way.

The U.S. disability community can also learn from many of the CSCE states. For example, some regions of Italy have succeeded in creating a higher degree of parental, teacher and community support for integrated education for disabled individuals than we have. The Italians and Germans are also showing some good results in employment of people with mental impairments, working with small companies with a long-term social commitment. Sweden has just adopted major legislation establishing personal assistance services or attendant services as a right for all who need them, as has Finland. The trend is Scandinavia, led by Denmark, is to rede-

sign such services around the need of consumers rather than service-providing agencies. We have reports that in Germany 80 percent of disabled persons who undergo vocational training obtain appropriate jobs. The British have for more than 20 years experience in applying their mobility benefits to the purchase of adaptive cars. We need to study these and other approaches in order to stay current with new developments.

I would like to recommend that to formalize and increase this information exchange among CSCE states, the review meetings which will take place in Budapest include a discussion of the parameters and definition of disability rights, as well as an exchange of practical information about domestic and international disability policies. This process should be supported by the international exchange of leaders, as mentioned earlier, to enable CSCE countries to send their disability leaders to study what we have accomplished and to enable our disability leadership to provide technical assistance in the countries that request it. Our foreign assistance and development dollars should support this important technical exchange of expertise.

Secondly, I would like the U.S. to support the initiative of the Finnish disability organizations which are proposing to the CSCE that the observable progress of some disabled populations towards obtaining rights and opportunities be studied as examples of how these advances can be encouraged in all member states.

In closing, I would like to say that we are often closer in spirit and outlook to many of the Helsinki Accord partners than it appears. For example, a Russian film on disability has just won UNESCO's Silver Prize. Called, "Invalid," with intended irony, the film portrays the story of a disabled man who was told by his doctors that he was, "more suited to a scientific experiment than a normal life." The man turns to the camera, introduces his wife, and proudly describes his work as a repairman.

The lesson I see here is that if we can achieve this much in spite of the low expectations of many societies, think what we can contribute when our countries begin to expect us to learn, earn, create, and produce to the same degree as non-disabled citizens.

Thank you.

Chairman DECONCINI. Thank you, Secretary Heumann. I appreciate that very, very fine statement.

Let me just ask a couple questions and then we'll proceed with other members.

Mr. Dart, in your very fine statement you get to the crux of the problem in a most—not unique way but a most dramatic way when you say don't ask the question or it's the wrong question about what does it cost. I understand what you said and I understand that some things you should not weigh in the cost of dollars because of the human involvement and the benefits that can be derived at. But in Congress, we have to, at least I have always had to, deal with the cost, with the real question of cost.

The question then comes to my mind is how can developing states whose resources are strained, providing even general services to their people and whose human rights records may or may not be very good and are probably poor be encouraged to protect the rights and to provide services for persons with disabilities?

Mr. DART. I believe that one way we could do that is to have some very modest funding to send some of our great disability rights leaders in this country to those countries to deal directly with people with disabilities and to encourage them to become advocates and to help them to empower themselves. One of our great leaders, Ralf Hotchkiss, goes to developing countries and he does not give people wheelchairs, he teaches them how to make wheelchairs with their own resources and to sell them. He sets up industries that pay for themselves and that make wheelchairs that those people can afford to make, that they have the resources to make, and they become empowered to solve their own problems.

Now, I would submit this to you, Mr. Chairman. The reason under developed countries are under developed countries is because they do not empower their people to be productive. When we are helping them to empower people with disabilities to be productive, we are helping them to get off on the right foot towards prosperity and productivity. Those nations could avoid a lot of the problems that we in the developed nations have made in our experiments with paternalism and welfare, by starting off right. I think what we ask them to do is not to spend vast amounts of money doing things that we do here in America, but to take the resources that they have to empower their people, and to inject part of those resources in empowering people with disabilities because that's going to save them money in the long run.

Chairman DECONCINI. Thank you.

Yes, Ms. Heumann?

Secretary HEUMANN. I appreciate very much your honesty in asking the question and I'd like to make a couple of comments on this.

One, I think particularly in developing countries they have no money to waste. So, in things like the design and construction of new buildings, I think it is the right approach to say that in new construction the dollars must be used for including accessibility-related issues. We know from our studies here and abroad it does not cost a great deal more money to build a new accessible building. It does cost great deal of money to have to go back and then renovate it.

I think also that as far as our aid is concerned—

Chairman HOYER. Judy, excuse me.

The Speaker's office is calling me and I have to go over to the Speaker's office. I apologize, Mr. Chairman. We have some issues that are related to another bill, our bill, that I have to deal with today.

I apologize for leaving. But I want you to know that both Senator DeConcini and I, and I know Mr. Smith, believe this is a critical issue for CSCE. We wanted to have this hearing in order to start this ball rolling. I thank you for your comments. I probably won't get back because I've got a feeling this is going to take a little longer than I would like, but I apologize for having to leave. But thank you for your leadership.

Secretary HEUMANN. Thank you.

I also think that we shouldn't look at dollars as always having to be new dollars. We spend a lot of money in foreign aid. Most of those dollars right now are not addressing issues affecting disabled individuals. There is no reason why some of the existing dollars



cannot address issues affecting disabled individuals. If dollars are being spent on agriculture, if dollars are being spent on education, whatever the particular area may be, if the needs of disabled individuals are taking into consideration under the broad framework, that's not new dollars.

I think in relationship to our interest of developing a seamless system where disabled people are becoming an integrated part of society, this is a wise way of looking at our expenditure of dollars.

Chairman DECONCINI. Ms. Heumann, you mentioned in your statement, and I should know this but I don't, I'm embarrassed, that there are—that you've been embarrassed that the United States is behind the curve. What countries have been the leaders?

Secretary HEUMANN. Canada, Japan, England, all the Scandinavian countries have really been—France, Germany—

Chairman DECONCINI. Far ahead of the United States?

Secretary HEUMANN. Yes in developing disability leadership, Japan has had a very interesting program where they have, with government money, been paying for a disabled individual in SCAP for about 6 or 7 years now, providing direct technical assistance in the Asian communities. The other countries, the governments have been putting money both into the development of disability rights organizations within their own countries as well as providing funding to other countries. In some of these countries, the disability organizations are directly involved in the selection of the organizations in other countries that are going to receive money. They've been directly involved in foreign aid development plans of how to distribute the dollars. They've been supported to go overseas and provide technical assistance to developing disability rights organizations. Money has been utilized to bring people into their own countries. But I think what you'll see in Paul Silva's statement, a report that came out from the GAO a few years ago, our dollars have been hit and miss. They haven't been coordinated. I think we've done much less than we should be doing given our standing in the international arena.

Chairman DECONCINI. Thank you.

Mr. Smith?

Mr. SMITH. Thank you very much, Mr. Chairman.

I want to join my colleagues in saying how grateful we are for that very, very eloquent testimony.

You know, I get around to a number of our embassies around the world and to foreign governments, most recently in South America and in Cairo within the last two months, both areas. I find whenever I ask questions—you know, if you bring up disabled persons, it is often seen as a luxury rather than a necessity. I think there is a missed vision that by integrating the handicapped and disabled persons into your whole approach, society is the net winner, the individuals absolutely are the net winners, but society itself will be a net winner as well. Rather than seen as something that the rich countries can do because they can afford it, I think we need to shatter that myth that developing countries have to wait until they achieve a certain plateau before embarking on that.

I think all of us, Mr. Chairman, that I serve as Ranking Member on the Western Hemisphere Subcommittee, I need to do more and I think we all need to do more and encourage our own State De-

partment and foreign governments, member to member, as was mentioned earlier, that talking to other parliamentarians is very useful to have that sensitivity. I think this hearing helps me and I think all of us to be more persuaded to go out and do that and not just talk about it.

If you could answer just a couple of questions. One would be with regards to how United States firms might be helpful in not discriminating against the handicapped where they employ nationals in other nations, but how they might also be more proactive.

Secondly, I led a delegation to China in January on behalf of human rights. I've been working human rights and pushing human rights in China for each of the 14 years that I've been in Congress. One of the areas has been in the area of coercion, population control. Since 1988 there has been a shameless policy aggressively pushed in a number of the provinces in China, eugenics laws, harkening back to the Nazi era where certain people were deemed to be undesirable, unwanted and therefore expendable and throw-aways. It has gained such popularity in the PRC that a draft eugenics law in December, as I know you know, was considered. Because of some of the outcry that was received, it was shelved. But it nevertheless is being promoted at the province level because, again, people who are disabled are seen as a burden rather than a blessing.

The net result there is that many children are being killed by forced abortion. Parents are being sterilized against their will. It fits into the larger picture of the one child per couple policy pushed by that government. But this is a very cruel form, I think, of discrimination against disabled persons, in this case the child in the womb or the mother to be who will never be because of a coerced government sterilization.

If you could perhaps address both of those issues, how U.S. corporations could be admonished, pushed, cajoled into being more proactive, what we could do perhaps, and then secondly on this issue of the eugenics law. That law is not, even though it has been quietly shelved for the time being by the Congress of China, which is obviously a rubber stamp of the ruling dictatorship there, at the provincial level it is very much being embraced and expanded upon because it does work. There are fewer handicapped and disabled persons in many of these provinces because they are simply getting rid of the children, which I think is very cruel.

Mr. Dart, if you might want to start, or Ms. Heumann?

Mr. DART. I think that we have to urge business to take leadership for disability rights and empowerment in foreign countries and to give them recognition when they do it. In this country, there are many business firms that give magnificent leadership for the rights and empowerment of people with disabilities. One has the impression that they perhaps do not give it the same push in foreign countries. But we do need to have a much greater emphasis on that. They need to understand that, as Judy pointed out, they need to build accessible facilities in foreign countries even though they may not have a disability rights act. They need to pursue vigorous action to employ people with disabilities, even though that may not be required or encouraged by the law there.

I think we need to recognize in our overall approach to foreign policy, as we have in domestic policy, that social change comes about always more by the advocacy and action of business and private citizens than it does by government.

Secretary HEUMANN. I think it would be good for us to ask some of our companies that are working overseas in fact what they're doing in this area. I would suspect that some of the better companies already are transferring their good policies in country overseas. It would, however, be very revealing to ascertain that information.

I know that in many of the European countries are "quota" systems in the area of disability hiring, and that the disabled people there are pretty unsatisfied with it. We've stayed away from quota systems here and I think that's been very beneficial. The way the quota systems operate in many of these countries: they have to hire X percentage or pay a fee. The fee then goes into a fund. The reality is that it's a very broad definition of disability; it may in fact cover people that we would never cover here in that limited percentage. Also, there's no requirement in those countries that the individuals actually be at a regular work site. So, when you'll visit some countries, you'll see X company that has like a sheltered workshop; they're hiring some disabled individuals and it goes towards their quota hiring, but they are excluding these persons from social contact with non-disabled persons.

I think we have good experience, as Justin was saying, through the President's Committee of model companies and I think we could also look at doing some exchanges where we could facilitate employers from both our country and in European countries. Regardless of the country in Europe, I think we have a lot to share. So, I think that would be a wonderful way of allowing us again to put our best foot forward, allowing companies to see how our laws work, how they can work effectively, how the laws effectively addresses issues of diversity.

On your second question regarding China, I'd like to say that obviously my concern with the Chinese policy is that a woman should have a right to choose whether or not she wishes to have an abortion. There has been great concern in this country within the disability community and other countries about the policy that China has developed in relationship to mandatory abortion and also sterilization of disabled women—not allowing them to subsequently have children. So, the issue of human rights—or disability rights—is something that we're aware of and I think it's an issue that needs to be addressed.

There has also been a lot of concern, for example, in what's been going on within Germany, the government not taking a strong enough position in relationship to the attacks against disabled individuals. So, I think this issue really carries across all nations; I think our position in this country of respecting all life is very valuable.

Mr. SMITH. If I could just follow-up briefly on the—if I may, Mr. Chairman, on the issue of the companies. Perhaps we need—and this is something I will pursue myself—to not just have the human rights people within our embassies deal with the issue, but most importantly I think get the people working in Commerce and those



who are dealing with the business community to make it part of their portfolio. So, it's not an adjunct or an add-on, it's something that's added in a dialogue with some foreign ministry or some other person that, "Oh, by the way, we're also concerned about disability rights." It's something that has to be absolutely mainstreamed into the business dialogue. I think that's something we should really pursue. I'm in agreement there.

We do have a disagreement on the right to life, I think, of the unborn. I happen to believe that they are precious and birth is an event that happens to all of us and they ought to be afforded a universal protection.

But that having been said, China is a case where it goes so far beyond that with this emphasis on coercion and this government-imposed policy of weeding out, as the Post put it, and as China plans to restrict, "inferior births." The audacity of a government to say that people, because of a disability, are not entitled to life is frightening and it calls forth, I think, every bit of outrage that we can express in any fora, in any way possible because that again is reminiscent of what happened in the Nazi experience when people were deemed undesirable, useless eaters and all the other things that led to their destruction in that country.

Thank you very much.

Chairman DECONCINI. Thank you, Mr. Smith, and thank you very much for your fine, fine testimony. We'll go to the next panel now.

Our next panel will be Charles Henry, Director of the Office of External Affairs, United States Department of State Bureau on Democracy, Human Rights and Labor. His bureau reports on disability rights issues in the annual human rights country reports. Mr. Henry, a civil liberties expert, has held teaching positions at four prominent universities. He's served as Chair of the Amnesty International USA's Board of Directors and is a member of Amnesty International Executive Committee.

Also joining us is Paul Silva. He's a founding member of the National Coalition for Foreign Policy and Disabilities, which advises Congress on inclusion of disabled persons in the United States foreign assistance development programs. He is Overseas Operations Director of the Cooperative Association of States for Scholarships, Center for Intercultural Education and Development, Georgetown University. Mr. Silva has worked 20 years developing and managing rehabilitation, education and training programs in a dozen different countries.

So, we'll start with you, Doctor Henry.

**TESTIMONY OF DR. CHARLES HENRY, DIRECTOR OF THE OFFICE OF EXTERNAL AFFAIRS, U.S. DEPARTMENT OF STATE BUREAU ON DEMOCRACY, HUMAN RIGHTS AND LABOR**

Dr. HENRY. Thank you, Mr. Chair.

Mr. Chair, Assistant Secretary Shattuck sends his regrets that he's not able to be here, due to events in Haiti, to deliver this testimony personally.

Mr. Chairman and distinguished members, I'm pleased to appear before you today to address the subject of the rights of persons with disabilities. Specifically I am pleased to report on the additional

section we have added to our annual country reports on the rights of individuals with disabilities.

Mr. Chairman, for well over a century, American experts, advocates, organizations and programs have made major contributions toward the full participation of citizens with disabilities in this country and worldwide.

As early as the late 18th century, new European views on disability began to attract interest in the United States, especially in the areas of deafness and blindness. American professionals and advocacy groups began to participate in an international dialogue on disability issues. By 1864, Americans were taking the lead by establishing the first college for deaf students. It's located here in the Nation's capital, Gallaudet University.

Following the Civil War, the medical and surgical care of a whole generation of survivors became a national concern. However, well into this century the tendency was to develop care that was convenient for the caretakers.

In 1920, Congress passed the Vocational Rehabilitation Act establishing the Office of Vocational Rehabilitation. The United States began to play a more prominent international role. Outside the government, Rehabilitation International was founded in Elyria, Ohio in 1922. But the Great Depression severely eroded the funding available both at governmental and non-governmental levels. It was not until the close of World War II that interest in rehabilitation programs was renewed. Returning veterans with disabilities sparked a resurgence of activity and led to President's Truman's establishment of the President's Committee on the Employment of the Physically Handicapped.

Mr. Chairman, with the United States' emergence as a center of new rehabilitation initiatives in the 1950's, the United States government, through the Marshall Plan and Fulbright scholarship program, allowed a number of experts in various disability fields to study in this country. The tremendous nationwide fervor created by the Civil Rights Movement in the 1960's paved the way for a new disability rights movement in the 1970's. Along with a host of new disability rights organizations, the United Nations began to raise the consciousness of the international community.

In 1971 the General Assembly adopted the "Declaration on the Rights of Mentally Retarded Persons." This declaration was followed by a "Declaration on the Rights of Disabled Persons" adopted by the General Assembly in 1975. This Declaration defines the term "disabled person" to mean "any person unable to ensure by himself or herself, wholly or partly, the necessities of a normal individual and/or social life as a result of deficiency, either congenital or not, in his or her physical or mental capabilities." The Declaration proclaims that people with disabilities have the same civil and political rights as other citizens.

Following quickly after the Declaration, the General Assembly proclaimed 1981 as the "International Year of Disabled Persons," which led to the World Program of Action Concerning Disabled Persons in 1982.

Finally, the United Nations Decade of Disabled Persons (1983-1992) served to ensure full participation and equality in society for all persons with disabilities.

Mr. Chairman, the United States has been a full and energetic participant in all of these international efforts to guarantee the rights of persons with disabilities. In fact, under President Clinton, the United States has worked more closely than ever with multilateral organizations to foster worldwide cooperation on this issue. In June 1993, the World Conference on Human Rights in Vienna adopted a program of action which reaffirmed that "all human rights and fundamental freedoms are universal and thus unreservedly include persons with disabilities." The 48th General Assembly adopted four resolutions concerning international plans and programs of action on disability. These resolutions, which the United States strongly supported, accomplished the dual goals of promoting the full participation of persons with disabilities in society and urging the United Nations to reform and streamline its efforts in this field.

This year, at preparatory committee meetings of the World Summit for Social Development, the United States joined other countries in supporting language in the Summit's draft documents that would lead to concrete measures empowering all people, including specific reference to people with disabilities, to be full participants in political, social and economic life.

Your Commission, of course, is familiar with U.S. efforts to include the right of persons with disabilities in the broad human dimension of CSCE. At the 1991 Moscow meeting of the CSCE, the United States delegation led the effort to adopt for the first time a commitment ensuring protection of the human rights of persons with disabilities. We recognize the leading role that you and members of your staff who served on the delegation played in that effort.

Mr. Chairman, under your leadership, along with that of Senators Dole and D'Amato, the United States included an examination of discrimination against people with disabilities in its annual Country Reports for the first time in 1993. Section 5 is now entitled "Discrimination Based on Race, Sex, Religion, Disabilities, Language or Social Status."

Every report must indicate the extent to which persons with disabilities are subject to discrimination in employment, education and provision of other state services. Reports must also indicate whether governments have enacted legislation or otherwise mandated provision of accessibility for persons with disabilities.

This addition effectively extends our commitment to equality of opportunity and full inclusion of persons with disabilities into the international arena. The reporting ranges from Afghanistan to Zimbabwe. In the former country, many patients in Kabul's 600 bed Maraston home for people who were blind, destitute and mentally ill were abandoned by the staff as the stability of the country deteriorated. In the latter country, the government passed a Disabled Persons Act in April that specifically prohibits discrimination against people with disabilities in employment, admission to public places or provision of services.

With regard to Europe, several of the countries in Central and Eastern Europe have recently passed laws providing individuals with disabilities with access, but scarce resources make their implementation difficult. Much of Western Europe has passed legisla-



tion prohibiting discrimination against persons with disabilities and providing for access to public buildings and transportation. However, the enforcement of such laws is often lax and the rights of persons with disabilities are not given high priority.

Mr. Chairman, the empowerment of persons with disabilities is part of a new approach in the field of human rights. The traditional approach emphasized legal rights, including the rights of individuals with disabilities. These rights are fundamental and our annual Country Reports document the continued discrimination against persons with disabilities across the globe. However, the movement to empower persons with disabilities has the larger goal of changing societal attitudes. It seeks to promote the inclusion of persons with disabilities in society as full and active contributors. The Americans with Disabilities Act of 1990, which many of your members supported, was a pioneering first step in achieving this objective.

Mr. Chairman, only by empowering persons with disabilities will we be able to end the abuses outlined in our 1993 Country Reports. Only by using the full capacities of the nearly 50 million citizens with disabilities in this country will our nation reach its full potential.

On a larger scale, the world cannot afford to ignore the talents of its estimated 500 million persons with disabilities. As President Clinton stated last year, "We've begun to shift disability policy in America," and I might add in the world, "away from dependence towards independence, away from paternalism and toward empowerment."

Thank you.

Chairman DECONCINI. Thank you very much, Dr. Henry.

Mr. Silva?

**TESTIMONY OF PAUL SILVA, OVERSEAS OPERATIONS DIRECTOR OF THE COOPERATIVE ASSOCIATION OF STATES FOR SCHOLARSHIPS, CENTER FOR INTERCULTURAL EDUCATION AND DEVELOPMENT, GEORGETOWN UNIVERSITY**

Mr. SILVA. Mr. Chairman, I would like to thank you for the opportunity to be here today to speak on the issue of foreign policy and foreign assistance programs which promote rights for persons with disabilities.

The inclusion of disabled persons in U.S. foreign policy and foreign assistance policy and practice is one which, unfortunately until recently has largely been neglected and ignored. I would like to commend this Committee, as well as the distinguished members of the Senate, Senator Robert Dole of Kansas, Tom Harkin of Iowa, Paul Simon of Illinois, and Patrick Leahy of Vermont, for beginning the process for inclusion of disabled persons into U.S. foreign policy and foreign assistance programs. Likewise, I wish to congratulate the distinguished co-chairs of this Commission, you, Senator DeConcini and Representative Hoyer, for addressing the human rights disability issues facing our nation in the foreign policy arena.

I've organized my testimony around two salient issues. One, U.S. monitoring of the human rights of disabled persons; and, two, how

the U.S. monitoring of disability human rights requires a coordinated disability foreign assistance policy.

The U.N. estimates that fully one in ten persons in the world has a disability; a functional disability. Estimates from developing countries show the incidence to be higher and countries involved in current and post civil strife to be higher yet. In many of these countries, persons with physical and/or mental disabilities are subject to, and I quote from the State Department reports, "cruel, inhuman and degrading conditions." My personal experience is to have spent years in rural villages where I go into a house. There is a poster of JFK with the Alliance for Progress and there's someone chained into their back room. It's commonplace.

Monitoring human rights of disabled persons in both CSCE countries and developing countries is of great importance to the American public and the international community. By documenting these rights, it not only allows for public recognition of the rights of disabled persons in developing countries, but also allows for U.S. foreign assistance policymakers to monitor and design country-appropriate programs and projects empowering disabled persons such as we have so effectively done with women, children and other populations.

Two of the most common and disturbing findings of the State Department Country Reports are that in most developing countries, and I quote, "there are not constitutional or legal provisions for persons with physical or mental disabilities," and that, "disabled persons are impoverished, often forced by necessity into beggary."

However, there are signs of great progress; a move from the 1940's, 1950's, and 1960's "medical-welfare" conception of disability to one of civil rights and self-empowerment.

Thus, how can these human rights findings be addressed?

In 1991, the Nordic Council of Ministers for Nordic development cooperation from six Nordic countries ratified and received full support for the historic Hanaholm Resolution. This resolution established comprehensive national and regional policy for inclusion of disabled persons from developing countries in Nordic development efforts. These overall national development efforts, I might add, are anywhere from .62 percent to 1.3 percent of their GNP. This landmark resolution states that, "Disability issues should be a principal objective of the development cooperation policies of the Nordic countries in line with women, environment and democracy as well as human rights." It further states that, and I quote, "disabled-oriented development programs are part of the goal of the elimination of poverty in the Third World." I respectively have submitted a copy of this resolution with my written testimony.

In 1993 I had the opportunity to travel to Denmark to research the effectiveness of this resolution and the implications this could have for U.S. foreign assistance policies. My findings were that Denmark, Sweden, Norway, and Finland have each established effective and intensive foreign assistance programs empowering disabled persons in developing countries. They've established national foreign assistance development policy on disability.

In 1991, at the request of Senator Paul Simon, the Committee on Foreign Relations requested that the General Accounting Office investigate the U.S. foreign assistance role with disabled persons.

This report, as Judy Heumann had made reference to, "Foreign Assistance: Assistance to Disabled Persons in Developing Countries" states, "U.S. agency assistance has been sporadic rather than part of planned programs with specific objectives to target disabled persons." Although U.S. foreign assistance programs effectively fund projects in developing countries such as disability prevention and treatment through vaccination development and immunization delivery and, might I add, the Civilian War Victims Fund, U.S. AID officials reported that "the agency does not assign a specific priority to helping disabled persons through its development programs."

In 1986, I did an evaluation of the role of the Inter-American Foundation from their inception in 1973, I believe, to 1986. They had funded many disability projects, but they had no policy. It was a scatter gun approach.

The report further states that U.S. AID officials, both in field offices and in Washington, cited many examples of existing opportunities for integrating disabled persons into the ongoing development programs. Over the past 5 years, Congress has begun to take a visionary role in attempting to include disabled persons in U.S. foreign assistance programs. Begun in 1989, the congressionally mandated Civilian War Victims Fund, administered by U.S. AID and directed by Allan Randlov, received appropriations totaling \$25 million, over 5 years and has operated in 13 countries. The United States Information Agency has been urged to increase its involvement with disability exchange programs between disabled leaders.

In 1992 and 1993, the late Jim Sweeney, a staffer of Senator Harkin, worked tirelessly to pass Foreign Operations Appropriations language, reporting language urging U.S. AID to implement development programs empowering disabled persons through vocational technical education, business, assistive devices development and assistance to local disabled-directed NGOs. Unfortunately, specific monies to this end were not allocated, projects were not implemented and the intent of the Committee was not followed. The 1994 human rights Country Report findings subsequently show that disabled persons in developing countries continue to live in poverty without access to education, health services and opportunities to become contributors to their country's economy and society.

Through the grassroots efforts of the disability leadership community in the U.S., disabled Americans have organized to promote the inclusion of disabled persons in U.S. foreign policy and foreign assistance programs. I'd like to add that this was the impetus in the Nordic countries as well. In '94, after years of individually promoting disabled-directed development projects, disabled American leaders such as Ed Roberts and Judy Heumann, co-founders of the World Institute on Disability; Mr. Bruce Curtis, international disability activist; Susan Sygall, founder of Mobility International USA; Robert Betts of UNLV; Todd Groves on the World Institute on Disability; and Jeannette Harvey of the University of San Francisco; and, of course, Mr. Justin Dart, as well as many others, organized to form the National Coalition on Foreign Policy and Disability. This volunteer ad hoc coalition was founded with the mission to ensure that current U.S. efforts to create a new foreign assistance act as follow-up to the Alliance for Progress clearly includes



language that affirms the inclusion of persons with disabilities in U.S. foreign assistance policy and programs.

In the arena of international aid and development, there is already a strong precedent for redesigning programs to reflect basic human rights. In the early 1970's, women were rarely considered or included in U.S. foreign assistance policy or programs. The addition of the Percy Amendment to the Foreign Assistance Act in 1973 made a review of the impact of new programs on women a requirement of all foreign assistance programs. Our international programs now reflect our domestic policy on gender equity and promote a fuller participation of members of our great society. We of the National Coalition on Foreign Policy and Disability suggest a similar approach be taken for inclusion of persons with disabilities, especially women with disabilities.

With the passage of the recent Americans with Disabilities Act, we as a nation have clearly set forth our belief that in a democracy every individual is entitled to full participation in society. I believe that our nation's human rights and foreign assistance activities overseas should reflect and be consistent with the laws and the ideals that we cherish at home.

Thank you, Mr. Chairman.

Chairman DECONCINI. Mr. Silva, thank you, and Dr. Henry, thank you for the very fine statement, very comprehensive and complex subject matter in some detail.

Let me pose the same question I did to Secretary Heumann on dealing with developing countries whose resources are strained and just to provide the general services and whose human rights records are awful and dismal as well. How do we encourage them to protect the rights of and provide services for their disabled? Do you care to start, Mr. Silva?

Mr. SILVA. I concur with Assistant Secretary Heumann's point supporting communication between parliamentarians and members of our Congress. In addition to that, our country has foreign assistance has many programs which currently exist and don't have to be added on rather they need to integrate persons with disabilities.

I will cite the example of the Czech Republic. Georgetown University, with U.S. AID funds approved by Congress, brought over the new Secretary for Special Education of the Czech Republic. Vaclav Havel wanted to redesign the entire special education program for that nation. That individual came over as part of an existing program, studied here in the United States for 2 years, interned with Judy Heumann and has gone back to his country and is utilizing that "person-to-person experience" for redesigning the special education system of the Czech Republic.

Sixty-eight deaf, young, economically disadvantaged people from Central America have studied in a rural campus in Pennsylvania and also in Florida. The 68 people have all gone back to their countries. We have 88 percent incountry employment of these deaf individuals. Two are presidents of their national deaf associations.

Chairman DECONCINI. So they're not costly programs?

Mr. SILVA. It's not costing additional monies for the programs. Additionally, the Central American Parliament 2 years ago passed a proclamation urging foreign assistance programs and their own countries to focus on persons with disabilities. The ex-president of

Honduras sent us a letter urging the very same. I think the countries are getting the message and I think we need to continue with integrating disability into existing programs. We don't have to start anything new.

Chairman DECONCINI. Doctor Henry, you have any suggestions or comments?

Dr. HENRY. Well, I would just make three brief comments. One, of course, as was said by our previous panelists, preventive programs are often less costly than after-the-fact kinds of programs that might require expensive services. Things like immunization, and so forth, are extremely important.

Secondly, warehousing, as was done for so many years, is an expensive proposition whereas involving people as productive members of society, contributes to the development of that society.

Finally, as I'm sure you're aware, in 1993 at the World Conference in Vienna, the United States for the first time took a position on the right to development. That right to development stressed the right of each individual to reach his or her full potential and didn't focus on the right of a government or a state.

Certainly that notion leads to the kinds of empowerment we're talking about where people have a right to education, a right to access equal opportunity and the other component of that is, of course, the emphasis on democracy. Those persons in developing countries need to hold their officials accountable. As Justin Dart stated, the real engine for progress in the area of disability, as it is in almost every other area, is the individual citizen, is private action. Democracy can and must play a role in empowering those persons with disability.

Chairman DECONCINI. By pushing democracy, you think that will give some of these Third World countries more exposure to the individual rights which includes disability, of course.

Doctor Henry, will the United States delegation to the upcoming CSCE review conference in Budapest push for increased commitments to protect the right of disabled?

Dr. HENRY. I wouldn't be in a position to give you an answer on that at this time. I could certainly get back to you. I've not been in communication with any of the participants that will be going to that conference.

Chairman DECONCINI. I would like to know if you could help us with that just to see what is on the agenda, if anything.

Gentlemen, thank you very much for your testimony. I have the Intelligence Committee to go to at 3:30 and I could spend considerably more time. But your statements have been most helpful and most explicit and detailed. So, we appreciate it very much.

The Commission will stand in recess.

[Whereupon, at 3:23 p.m., the meeting was concluded.]

## APPENDIX

COMMISSION ON  
SECURITY AND COOPERATION IN EUROPE237 FORD HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515

(202) 225-1901

Statement of: DENNIS DeCONCINI  
Chairman: Commission on Security and Cooperation in EuropeHearing on:  
Disability Rights and U.S. Foreign Policy  
September 21, 1994

I would like to welcome our distinguished guests to this Helsinki Commission hearing examining disability rights as they pertain to U.S. human rights policy and foreign assistance issues. The United States has for decades played a leading role in promoting human rights and democracy around the globe. Yet not until recently have we directly addressed the rights of persons with disabilities in an international context -- despite there being an estimated 500 million persons with disabilities worldwide. We must aggressively work to ensure that the unlimited potential of half-a-billion people is not underestimated in the future. The rights and opportunities of these people must be protected and promoted just as are the rights of any person who might face discrimination for whatever reason.

With passage of the American with Disabilities Act of 1990, the United States government established new legal standards to ensure unprecedented equality of opportunity to people with disabilities in this country. At the 1991 Moscow CSCE meeting, the U.S. delegation, which included our co-chairman Steny Hoyer, successfully developed language to promote and protect the rights of persons with disabilities. The Moscow document, adhered to by 53 participating states, was the first such CSCE commitment in this area. In 1993, the "Disability Rights in American Foreign Policy Act" was introduced in the House and Senate to require the Secretary of State to include an examination of discrimination against people with disabilities in the annual report on human rights.

The task before us today, however, is to move beyond these initial steps intended to expand existing international human rights protections to include people with disabilities. The more meaningful challenge facing policymakers lies ultimately in efforts to create -- through international cooperation, education and technical assistance -- a fundamental change in attitude towards persons with disabilities. We must begin to incorporate into our foreign assistance and democracy building efforts programs which not only aid persons with disabilities, but which encourage governments to allow them to contribute to their societies worldwide. While we still have a distance to go here in the U.S., we have made significant progress in the last two decades and we should share both the good and bad lessons we have learned in this endeavor with other governments.

Our witnesses today are uniquely qualified to speak on policies at home and abroad which address the rights of persons with disabilities. We hope to learn from them what further steps need to be taken so that our foreign policy and human rights policy reflect the better aspects of our domestic policy with regard to persons with disabilities.

COMMISSION ON  
SECURITY AND COOPERATION IN EUROPE

237 FORD HOUSE OFFICE BUILDING  
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Statement of: STENY H. HOYER  
Co-Chairman: Commission on Security and Cooperation in Europe

Hearing on:  
**Disability Rights and U.S. Foreign Policy**  
September 21, 1994

I am pleased and honored to be here today among our distinguished guests and audience members to examine an issue that has long been near and dear to me. Today, the Helsinki Commission will examine disability rights in the context of U.S. foreign policy, foreign assistance and human rights policy. We aim to: reaffirm our nation's commitment to the rights of all people; reiterate our belief that respect for the rights of the disabled is an important component of our government's human rights policy; and establish that the rights of the disabled should be an important part of our human rights and foreign policy dialogue with other nations.

As Co-chairman of the Commission on Security and Cooperation in Europe, I have witnessed first-hand how international attention and concern can speed the promotion and protection of human rights. The CSCE process, by setting human rights standards and commitments for all persons or groups who face discrimination, has been instrumental in helping focus both governmental and nongovernmental efforts on improving the lives of countless people.

At the CSCE Moscow meeting in 1991, I advocated the establishment of CSCE commitments on the human rights of persons with disabilities. For the first time in CSCE history, the participating states agreed to take steps to ensure the equal opportunity of persons with disabilities to participate fully in the life of their society. They agreed to promote the appropriate participation of all such persons in decision-making on issues concerning them, and to encourage favorable conditions for the access of persons with disabilities to public buildings and services, housing, transportation and cultural and recreational activities. The CSCE states also agreed to encourage services and training of social workers for the vocational and social rehabilitation of persons with disabilities. Commitments like these, now an established component of CSCE human rights standards, can be an important yardstick against which to measure performance. And it is critical that we use that yardstick on a constant and regular basis in our dealings with other states. The rights of the disabled must and should be an important aspect of U.S. human rights dialogue with other nations.

This hearing offers the opportunity to make a positive contribution to the cause of human rights around the world, one that concerns not only the 500 million individuals with disabilities, but every single member of society. Prohibiting discrimination and promoting inclusion are practices that certainly benefit us all.

Senator Bob Dole

Testimony Before a Hearing of the  
Commission on Security and Cooperation in Europe  
Regarding  
The Human Rights of People with Disabilities in  
American Foreign Policy

September 21, 1994

2200 Rayburn House Office Building  
Washington, D.C.



Mr. Chairman and Mr. Co-Chairman, I appreciate the opportunity to submit this testimony for the record to the Commission's hearing on the human rights of people with disabilities. I commend the Commission for its initiative in holding this hearing, which is of course its first hearing on this topic.

As Commission members may know, last year I introduced a bill to require the State Department to report on discrimination against people with disabilities. I will discuss that bill shortly, but first will begin with some brief historical remarks about Nazi crimes against the disabled.

#### Nazi Crimes Against the Disabled

Mr. Chairman, throughout this hearing let us remember the hundreds of thousands of people with disabilities killed by the Nazis in Germany and the occupied countries. Fifty-five years ago this month, in September 1939, Adolf Hitler signed a secret order authorizing Aktion T-4, a systematic program of killing of people with disabilities. Although Hitler rescinded that order in 1941 under considerable pressure, particularly from churches, the program in fact continued until the end of World War II.

As described by the author and historian Hugh Gallagher, Aktion T-4 was the Nazis's first effort at mass killing, and was the prototype for the Holocaust and other atrocities.

The killing of people with disabilities by the Nazis was justified with phrases like "final medical assistance" and "natural selection." But it was simply murder committed with an



utter disregard for the worth of people with disabilities.

#### American Leadership in Human Rights

With its scope and government sanction and organization, the Nazi T-4 program was perhaps history's most egregious violation of the human rights of people with disabilities.

But, frankly, we know little about the human rights situation of people with disabilities today. In my view, as a nation that has been a pioneer in promoting the dignity of its own citizens with disabilities, we have a special obligation to assume leadership in this area.

Indeed, just as American leadership of the Allies defeated Germany and the other Axis Powers, American leadership after World War II led to the first international accords on human rights, including the United Nations Charter in 1945 and the Universal Declaration of Human Rights in 1948, to help prevent tragedies such as the Holocaust from happening again.

Although these agreements and others provide an essential foundation for respect for the human rights of people with disabilities, they tell us nothing about the actual human rights situation.

#### Disability Rights in American Foreign Policy Act (S. 1256)

To remedy this lack of information, in July 1993 I introduced a bill, the "Disability Rights in American Foreign Policy Act" (S. 1256), to instruct the Secretary of State to examine discrimination against people with disabilities in the State Department's annual Country Reports on Human Rights

Practices. Since 1977, the Country Reports have become an authoritative survey of human rights worldwide, closely read by other governments and human rights organizations.

I was very pleased that my bill quickly gained strong bipartisan support, across the political spectrum. I was also pleased that the Chairman of the this Commission was a co-sponsor of my bill in the Senate, and that the Co-Chairman introduced a corresponding bill in the House, again with bipartisan support.

Let me briefly describe my thinking in introducing S. 1256. First, I felt that Country Reports could provide the information we need about the human rights situation of people with disabilities that seems unavailable anywhere else. The experience and reporting system of the State Department on human rights is unique.

Second, I believed it was timely -- perhaps even overdue -- to examine how we might apply the principles of the Americans with Disabilities Act ("ADA") to our human rights policy. As Commission members surely know, ADA heralded a new approach to disability in our nation, by providing for the first time a clear, comprehensive national mandate for the elimination of discrimination against people with disabilities and for a national disability policy based on the positive values of equality of opportunity and full participation.

As I said in my floor statement introducing S. 1256, "America's greatest export has been its concept of human rights. Let us continue that tradition with this bill."

Fortunately, the Secretary of State was listening. Even before any legislative action, the Country Reports for 1993 included for the first time a short section on the status of people with disabilities in 190 countries, from Afghanistan to Zimbabwe. Although as might be expected in the first year, individually the country reports are somewhat uneven, overall they are a very credible first effort.

Some accounts are disturbing. In one country, for example, infants born with birth defects are considered sorcerers, and sometimes killed at birth. However, the government of that country does punish such acts under criminal law.

But others are encouraging. Even in some low-income countries, there are real efforts at advocacy and opportunity.

And the Country Reports are a powerful reminder that the manufacture of disability, through war and civil strife, is sadly one of the world's growth industries.

I would like now to briefly describe some of the objections I encountered while drafting S. 1256. First, some wondered if it were even possible to report on the human rights of people with disabilities. The State Department has proven it is.

Others pointed out that attitudes or treatment of people with disabilities, their exclusion from social life, is really often a matter of cultural practices, and not a human rights issue. I disagree, and hope that argument has been discredited.

It was also implied that attention to people with disabilities is a luxury for low-income countries. Frankly, I

believe the need is probably greatest in such countries, who can ill afford potentially productive members of society forced into idleness.

In this regard, I am reminded of a conversation a member of my staff had with a cab driver here in Washington several years ago. The cab driver asked what the staff member did. He explained he worked on disability matters. The driver then told him that when he first arrived in the U.S. he did not understand curb cuts and other accommodations for the disabled, and thought they were another foolish whim of Americans. But now he feels quite different -- he was from Somalia, and as a result of their civil war thousands of people have acquired disabilities. He said the architecture of Somalia is almost wholly inaccessible, and this was a great problem and would need to be fixed.

In any case, the Country Reports now send the message around the world that the United States considers discrimination against people with disabilities a human rights issue and that people with disabilities are included in our human rights agenda.

#### Future Directions

Although we have made a good beginning with the Country Reports, there is much more work to be done. The United States needs to look at how well its support for programs of bilateral and multinational economic development include people with disabilities, and what kinds of assistance we can provide to other nations as they struggle to provide medical and rehabilitation services for their citizens.



Three years ago I joined with Senators Simon, Harkin, and Helms in adding amendments to a reauthorization of the Foreign Assistance Act that would provide for the first time a specific charter for aid to people with disabilities. That legislation never made it into law, but I intend to take up this matter again at an appropriate time.

In closing, let me note that Americans have never shied away from challenges. The fight for full participation by the world's 500-million people with disabilities is one we accept willingly and with enthusiasm, and I look forward to any recommendations the Commission might have in this regard.

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Hearing on:

**Disability Rights and U.S. Foreign Policy**

September 21, 1994  
2200 Rayburn House Office Building

**WITNESS BIOGRAPHIES**

**JUDY E. HEUMANN** is Assistant Secretary for Special Education and Rehabilitative Services, U.S. Department of Education. Responsible for federal programs serving six million disabled persons, she oversees the Office of Special Education Programs, the Rehabilitation Services Administration and the National Institute on Disability and Rehabilitation Research. Ms. Heumann is a co-founder of the World Institute on Disability (WID), the world's first disability think-tank, and served as its vice-president for ten years.

**CHARLES HENRY** is Director, Office of External Affairs, U.S. Department of State Bureau on Democracy, Human Rights and Labor. His bureau is responsible for reporting on disability rights issues in the annual human rights country reports. Mr. Henry, a civil liberties expert, has held teaching positions at four prominent universities. He has served as Chair of Amnesty International USA's Board of Directors and is a member of Amnesty's International Executive Committee.

**JUSTIN DART, JR.** is a recognized worldwide advocate of disability rights and has played a leading role in developing and advocating a national disability policy. Congress, five presidents and five governors have appointed him to positions which include Chairperson of the President's Committee on Employment of People with Disabilities (1989-93) and Chairperson of the Congressional Task Force on the Rights and Empowerment of Americans with Disabilities (1988-90). Mr. Dart has published and lectured widely and has represented the United States at various international fora on disability issues.

**PAUL SILVA** is a founding member of the National Coalition for Foreign Policy and Disability, which advises the Congress on drafting and implementing legislation to mandate the inclusion of disabled persons in U.S. foreign assistance development programs. He is Overseas Operation Director of the Cooperative Association of States for Scholarships, Center for Intercultural Education and Development, Georgetown University. A consultant to WID, the Inter-American Foundation, Appropriate Technology International, and others, Mr. Silva has worked 20 years in dozens of countries promoting rights of disabled persons and developing and managing rehabilitation, education and training programs.

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Remarks by Justin Dart, International Representative of the President's Committee on Employment of People with Disabilities before the Commission on Security and Cooperation in Europe hearing to examine U.S. foreign policy and foreign assistance programs which promote rights for people with disabilities, September 21, 1994.

CHAIRMAN DECONCINI, CHAIRMAN HOYER, DISTINGUISHED MEMBERS, I CONGRATULATE THE COMMISSION ON THIS HISTORIC HEARING TO INITIATE AN APPROPRIATE FOCUS ON DISABILITY RIGHTS IN U.S. FOREIGN POLICY. IT IS AN HONOR TO PARTICIPATE.

THANKS TO MANY PEOPLE IN THIS ROOM, AMERICA IS AT THE CUTTING EDGE OF DOMESTIC DISABILITY POLICY - PRODUCTIVITY ORIENTED REHABILITATION, INDEPENDENT LIVING, 504, 94-142, DEINSTITUTIONALIZATION, THE MAGNIFICENT ADA.

THE TIME HAS COME FOR THE UNITED STATES TO ESTABLISH A FOREIGN POLICY ON DISABILITY BASED ON THE PRINCIPLES OF ITS OUTSTANDING DOMESTIC POLICY.

THROUGHOUT ALL HISTORY WE WHO HAVE DISABILITIES HAVE BEEN TREATED AS SUBHUMANS. AT WORST, WE HAVE BEEN KILLED OR LEFT TO DIE AS BEGGAR-OUTCASTS. AT BEST WE HAVE BEEN SUBJECTED TO OPPRESSIVE PATERNALISM, OFTEN SEGREGATED IN PRISON-LIKE INSTITUTIONS OR BACK ROOMS.

THERE ARE STILL COUNTRIES WHERE CHILDREN WITH DISABILITIES ARE KILLED - LEGALLY.

EVEN IN AMERICA AFTER ADA, AND IN THOSE FEW OTHER NATIONS WITH AGGRESSIVE DISABILITY RIGHTS POLICIES, DISCRIMINATION REMAINS DEEPLY ROOTED IN ATTITUDE AND PRACTICE.

MY MOTHER AND MY BROTHER, TOOK THEIR OWN LIVES, AS A DIRECT

HEALTH CARE FOR ALL AMERICANS NOW

RESULT, I BELIEVE, OF THE PREJUDICE THEY FACED BECAUSE OF THEIR DISABILITIES.

MY BELOVED FOSTER DAUGHTER ETSUKO, A PERSON WITH CEREBRAL PALSY, WAS INCARCERATED FOR MANY YEARS, RAPED, PROSTITUTED AND DRIVEN TO PSYCHIATRIC DISABILITY AND ATTEMPTED SUICIDE, IN AN INSTITUTION IN THE RICHEST COUNTRY IN THE WORLD.

MORE THAN 500 MILLION PEOPLE WITH DISABILITIES ARE THE POOREST, MOST OPPRESSED PEOPLE ON EARTH.

WE HUMANS DO NOT EVEN BOTHER TO COUNT HOW MANY MILLION OF OUR BROTHERS AND SISTERS WITH DISABILITIES DIE EACH YEAR BY MURDER, SUICIDE, OR DENIAL OF THE BASIC NECESSITIES OF LIFE.

AND SO WE GATHER TO CREATE A DISABILITY FOREIGN POLICY. WHAT PRECISELY IS THE TASK BEFORE US?

IT IS NOT SIMPLY TO ELIMINATE DISCRIMINATION AGAINST A MINORITY OF PERSONS WHO ARE TRAGIC VICTIMS.

WE ADDRESS THE LARGEST HUMAN VENTURE IN RECORDED HISTORY.

THE AGE OF SCIENCE AND FREE ENTERPRISE DEMOCRACY HAS GIVEN BIRTH TO A NEW KIND OF HUMAN BEING. WE ARE 100 TIMES MORE INDEPENDENT AND 100 TIMES MORE INTERDEPENDENT THAN OUR PREDECESSORS WHO OCCUPIED OUR PLANET FOR MORE THAN 99% OF OUR HISTORY.

WE LIVE TWICE AS LONG. DISABILITY, CHRONIC ILLNESS, THE FRAILTIES OF OLD AGE USED TO SIGNAL THE END OF ACTIVE LIFE. NOW THEY ARE SIMPLY CHARACTERISTICS OF A NORMAL LIFE SPAN.



SCIENCE AND DEMOCRACY HAVE GIVEN ALMOST ALL OF US, PEOPLE WITH AND WITHOUT DISABILITIES, YOUNG AND OLD, CHRONICALLY ILL AND WELL A PROVEN POTENTIAL TO BE AT LEAST A HUNDRED TIMES MORE PRODUCTIVE THAN THE STRONGEST AND HEALTHIEST OF OUR ANCESTORS OF 1,000 YEARS AGO, AND TO CREATE A QUALITY OF LIFE THAT WAS FAR BEYOND THE GRASP OF ANY EMPEROR OR PHARAOH.

BUT FOR THE VAST MAJORITY OF TODAY'S HUMANS, THAT POTENTIAL REMAINS AN UNREACHABLE DREAM, BECAUSE IN MOST INSTANCES WE ARE TRYING TO USE OLD CONCEPTS, OLD SYSTEMS AND OLD ENVIRONMENTS TO MEET THE NEEDS OF THE NEW HUMANS.

THE TASK OF HUMANITY NOW IS TO CREATE A NEW CULTURE THAT WILL UTILIZE THE RESOURCES OF SCIENCE AND DEMOCRACY TO EMPOWER THE NEW HUMANS TO FULFILL THEIR MAGNIFICENT POTENTIAL.

OUR TASK IS TO CONSTRUCT A DISABILITY FOREIGN POLICY THAT WILL PROVIDE DYNAMIC THRUST TOWARD THAT NEW CULTURE.

WHERE DO WE START?

A HANDFUL OF AMERICANS - MANY OF THEM IN THIS ROOM TODAY - HAVE BEEN PIONEER VOICES FOR EMPOWERMENT IN A WILDERNESS OF PATERNALISM AND ABUSE - JUDY HEUMANN, PAUL SILVA, BRUCE CURTIS, SUSAN SYGALL, RALF HOTCHKISS, SOME AMONG YOU IN THE CONGRESS - THERE HAVE ALSO BEEN A FEW PROGRESSIVE INITIATIVES BY USAID, USIS, THE PEACE CORPS, AND OTHER ENTITIES,

THANKS TO SENATORS DOLE, HARKIN, SIMON AND OTHERS AMONG YOU, LAST YEAR OUR STATE DEPARTMENT MADE ITS FIRST ANNUAL REPORT ON THE HUMAN RIGHTS OF PEOPLE WITH DISABILITIES IN EVERY NATION.

BUT WE AS A NATION HAVE NOT DEVELOPED ANYTHING EVEN CLOSE TO

A COMPREHENSIVE DISABILITY FOREIGN POLICY.

WHAT WILL OUR NEW POLICY BE?

OUR FOREIGN POLICY ON DISABILITY MUST REFLECT THE PHILOSOPHY AND GOALS OF OUR DOMESTIC POLICY – INDEPENDENT LIVING AND THE ADA.

SUCH POLICY WAS ELOQUENTLY SUMMARIZED BY PRESIDENT CLINTON: INCLUSION, NOT EXCLUSION; INDEPENDENCE, NOT DEPENDENCE; EMPOWERMENT, NOT PATERNALISM.

1. OUR DISABILITY FOREIGN POLICY MUST BE CREATED AND IMPLEMENTED WITH THE FULL PARTICIPATION OF MEMBERS OF THE DISABILITY COMMUNITY, NOT SIMPLY AS ADVISERS, BUT AS EXECUTIVES, STAFF AT ALL LEVELS – AND YES, CABINET MINISTERS AND AMBASSADORS.

2. THE PRESIDENT, HIS ADMINISTRATION, THE CONGRESS, AND STATE AND LOCAL GOVERNMENT SHOULD PROVIDE STRONG, VISIBLE LEADERSHIP TO ENSURE THAT THE EMPOWERMENT OF PEOPLE WITH DISABILITIES BECOMES TOP PRIORITY IN THE OVERSEAS OPERATIONS OF ALL GOVERNMENT AGENCIES.

3. WE SHOULD ENCOURAGE AND ENABLE THE AMERICAN DISABILITY COMMUNITY TO SUPPORT THE EMPOWERMENT OF THEIR BROTHERS AND SISTERS WITH DISABILITIES IN EVERY NATION. WE SHOULD SUPPORT DISABLED PEOPLE'S INTERNATIONAL, REHABILITATION INTERNATIONAL, AND OTHER INTERNATIONAL DISABILITY RIGHTS ENTITIES WITH FUNDING AND DIPLOMACY.

4. WE SHOULD ENCOURAGE AMERICAN BUSINESS AND PRIVATE CITIZENS TO PROMOTE THE EMPOWERMENT PROCESS IN ALL OF THEIR FOREIGN RELATIONSHIPS.

5. WE SHOULD ENCOURAGE OTHER GOVERNMENTS TO ADOPT COMPREHENSIVE POLICIES TO EMPOWER PEOPLE WITH DISABILITIES IN THE PRODUCTIVE MAINSTREAMS OF THEIR CULTURES.

- DISABILITY RIGHTS LAWS LIKE ADA; INDEPENDENCE ORIENTED, CONSUMER DRIVEN REHABILITATION AND COMMUNITY SERVICES, INCLUDING PERSONAL ASSISTANCE SERVICES; INTEGRATED EDUCATION FOREMPOWERMENT; AFFORDABLE, ACCESSIBLE HEALTHCARE, INCLUDING CONSUMER DRIVEN PSYCHIATRIC SERVICES; ACCESSIBLE TRANSPORTATION, HOUSING, COMMUNICATIONS AND PUBLIC FACILITIES; DEINSTITUTIONALIZATION; FULL PARTICIPATION IN THE DEMOCRATIC AND PRODUCTIVE PROCESSES.

6. WE SHOULD ENSURE THAT NONE OF OUR FOREIGN AID, NONE OF OUR PRIVATE SECTOR INVESTMENTS ABROAD, NONE OF OUR NATIONAL PRESTIGE IS EXPENDED ON INACCESSIBLE FACILITIES, SEGREGATED SERVICES OR OTHER DISCRIMINATORY PRACTICES.

7. WE SHOULD ENCOURAGE THE UNITED NATIONS TO EMPOWER PEOPLE WITH DISABILITIES IN ALL OF ITS PROCESSES, AND TO PROVIDE AGGRESSIVE SUPPORT FOR THE RIGHTS AND EMPOWERMENT OF PEOPLE WITH DISABILITIES IN EVERY NATION.

I RECOMMEND THE FOLLOWING STEPS FOR IMMEDIATE ACTION:

1. THE NATIONAL COUNCIL ON DISABILITY SHOULD ACT FORTHWITH TO FORMULATE SPECIFIC RECOMMENDATIONS FOR A FOREIGN POLICY THAT ADDRESSES THE EMPOWERMENT OF PEOPLE WITH DISABILITIES. I UNDERSTAND THAT NEW COUNCIL CHAIRPERSON MARCA BRISTO HAS ALREADY INITIATED THIS PROCESS. SOME TEMPORARY ADDITIONAL FUNDING WOULD BE APPROPRIATE.

2. DURING THE TIME THAT COMPREHENSIVE, LONG RANGE POLICY IS

BEING DEVELOPED, THE EXECUTIVE BRANCH AND THE CONGRESS SHOULD COOPERATE WITH DISABILITY COMMUNITY LEADERS TO INITIATE INTERIM ACTION, INCLUDING FUNDING THAT WOULD ENABLE THE U.S. DISABILITY COMMUNITY TO INTERACT WITH ITS COUNTERPARTS IN OTHER NATIONS, PARTICULARLY THE DEVELOPING NATIONS WHERE PEOPLE WITH DISABILITIES EXIST IN SITUATIONS OF MORTAL CRISIS.

3. THE ADMINISTRATION SHOULD ACT FORTHWITH TO ENSURE THAT U.S. PARTICIPATION IN INTERNATIONAL ACTIVITIES - THE PREPARATION AND IMPLEMENTATION OF POLICY, DELEGATIONS TO MEETINGS - ALWAYS INVOLVES REPRESENTATIVES OF THE DISABILITY COMMUNITY.

CERTAINLY OUR DELEGATIONS TO THE UPCOMING U.N. SUMMITS ON SOCIAL POLICY AND THE STATUS OF WOMEN MUST INCLUDE AUTHENTIC REPRESENTATIVES OF OUR DISABILITY COMMUNITY. AMONG CURRENT PRESIDENTIAL APPOINTEES JUDY HEUMANN, MARCA BRISTO, TONY COELHO AND BOB WILLIAMS ARE ONLY A FEW OF THE SUPER QUALIFIED CANDIDATES. THERE ARE MANY MORE FROM THE PRIVATE SECTOR.

THIS IS AN AMBITIOUS AGENDA. WHERE WILL WE GET THE MONEY? WRONG QUESTION. INVESTMENTS OF MODEST MILLIONS IN EMPOWERING PEOPLE TO BE EQUAL AND PRODUCTIVE WILL, IN THE LONG TERM, SAVE BILLIONS NOW SPENT ON AID AND THE MILITARY TO DEAL WITH THE CONSTANT ECONOMIC AND SOCIAL CRISES CAUSED BY AUTHORITARIAN PATERNALISM. IT'S A LOT CHEAPER TO SEND JUDY HEUMANN TO HAITI THAN A COMPANY OF SOLDIERS.

THE REAL QUESTION IS NOT WHERE WILL WE GET THE MONEY, BUT WHERE WILL WE GET THE COURAGE TO OVERCOME DISCRIMINATORY ATTITUDES, AND TO ELIMINATE OBSOLETE PRACTICES.

CHAIRMAN DECONCINI, CHAIRMAN HOYER, DISTINGUISHED MEMBERS, WE HAVE AN OPPORTUNITY TO CREATE AN EMPOWERMENT FOREIGN POLICY



THAT WILL ENHANCE THE REPUTATION OF THE UNITED STATES, SAVE MONEY, PROMOTE PEACE AND TRADE, AND MAKE A MAJOR CONTRIBUTION TO A QUALITY OF HUMAN LIFE THAT WILL EXCEED THE IMAGINATION OF SCIENCE FICTION.

THE WORLD IS WATCHING. BECAUSE WE ARE AMERICA, OUR SUCCESS TO KEEP THE PROMISE OF THE ADA, TO EMPOWER THE NEW HUMAN, WILL TRIGGER THE EMANCIPATION OF BILLIONS OF PEOPLE IN FUTURE GENERATIONS. OUR FAILURE WOULD BE A TRAGEDY BEYOND WORDS OR TEARS.

WE HAVE THE RESOURCES, DO WE HAVE THE COURAGE?

DISTINGUISHED MEMBERS, WE NEED YOUR LEADERSHIP. WE HAVE HAD IT BEFORE. I KNOW WE WILL HAVE IT NOW. WE OF THE DISABILITY COMMUNITY WILL DO OUR PART.

TOGETHER, WE SHALL OVERCOME!

**TESTIMONY BEFORE THE COMMISSION ON SECURITY AND  
COOPERATION IN EUROPE**

**SEPTEMBER 21, 1994**

**JUDY HEUMANN  
ASSISTANT SECRETARY for  
OFFICE OF SPECIAL EDUCATION  
and REHABILITATIVE SERVICES  
U.S. DEPARTMENT OF EDUCATION**

# DISABILITY RIGHTS AND THE HELSINKI ACCORD

## CONFERENCE ON SECURITY AND COOPERATION IN EUROPE

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I was fascinated to read recently that Paul Goma, one of Romania's leading writers, who was forced to flee that country after his 1977 petition protesting the regime then in place, has just gotten to know the three blind Romanians who had also signed that petition at great personal risk. Goma only learned of their existence through our Radio Free Europe broadcasts.

We know from Vaclav Havel, President of the Czech Republic, who spent years of exile in the USA, that many Eastern and Central Europeans found the opening to press for human rights only after the (1975) Helsinki Accord gave them a platform to do so.

By spelling out in one of its ten principles that the participating countries "will respect human rights and fundamental freedoms," this document became a beacon to millions.

Disabled individuals have often joined in the human and civil struggles of oppressed groups and minorities, although history sometimes does not record their presence. That is why today I am honored to provide testimony about how disability rights, concepts, and practices can contribute to the process now under way to review the Helsinki agreements.

### US LEADERSHIP

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Many of the CSCE countries have heard about our Americans with Disabilities Act, which you, Congressman Hoyer, and others worked so hard to have adopted in a model of bi-partisan efforts. The disability leadership of these countries want information and technical assistance in addressing similar problems.

We need to make our experience in developing strong U.S. legislation and policies available as an extension of our foreign policy. We need to align our foreign policy objectives with our domestic policies in the disability field. We should be supporting international exchanges of policy makers, legislators, educators, disabled leaders, and labor leaders. These exchanges would assist those CSCE countries who are just beginning to develop laws and policies for individuals with disabilities to avoid some of our costlier mistakes. We now know, for example, that it is economic folly to maintain people in costly institutions, wasting millions of dollars and lives. We know this also perpetuates second-class citizenship. We know that the better an education people receive, the better jobs they can obtain. We believe they need the same sort of legislative platform as the U.S. has accomplished to enable them to make the same kind of gains.

Around the world, legislation establishing the rights of citizens with disabilities is being debated and adopted. Through U.S. initiatives and 17 years of effort with the Organization of Economic Cooperation and Development, several of OECD's Member States have adopted laws or policies providing equal access to education for disabled children and youth. This summer, a clause was added to the new German Constitution stating that, "No one shall be discriminated against because of a disability," after intervention by Chancellor Kohl.

This spring, an American disability-rights team went to New Zealand to advise on implementation of its new human rights law, which is inclusive of disabled people.

We also know that new comprehensive disability and rehabilitation legislation is being developed in Hungary, the United Kingdom, and India and was recently enacted in Australia, Russia, Sweden, Austria, and the Czech Republic. In each case, disability groups had been in touch with their US counterparts. This is because of our international reputation as a leader in laws and policies affirming the equal access of disabled citizens to society's structures and services.

At the same time, many new groups of disabled people are being formed throughout the newest CSCE "emerging democracies". In some cases, I am glad to report, they are receiving modest US technical assistance in developing disability rights and independent living approaches. In other cases, they are receiving support from the older European democracies. Most, however, are working in isolation and could benefit greatly from broader CSCE initiatives to provide support and an exchange of experience.

### **WHAT DO WE HAVE TO OFFER THE CSCE STATES?**

I believe that what the U.S. has to offer the CSCE states is our substantial experience of the last decades in creating the building blocks of equal access.

1. We created the "504" clause of the Rehabilitation Act, spelling out our equality with other citizens under Federal law and setting a legal and policy precedent;
2. Access to education in the least restrictive and most inclusive setting for disabled children and youths is mandated by the Individuals with Disabilities Education Act;
3. Access to rehabilitation and independent living services is afforded by the Rehabilitation Act of 1973;
4. Architectural barrier laws and the Americans with Disabilities Act have committed the US to a timetable to make its structures and transport systems accessible and to prevent discrimination against disabled Americans trying to enter the workforce;
5. Federal and State monitoring and compliance mechanisms make sure that these laws impact on the everyday realities of the estimated 49 million Americans with disabilities and their families; and
6. Hundreds of thousands of Americans with disabilities have formed coalitions and networks to press for key laws and participate in their drafting. Because disabled Americans and their supporters in Congress, many of whom are here today, worked together on these laws, they reflect a national consensus on the necessary building blocks of disability policy.



### WHAT HAVE WE ACHIEVED?

I believe that the US disability community has demonstrated that with the support of laws and policies that encourage our active engagement in society, we have become productive contributors to the economy and the overall American culture. A recent longitudinal study has shown that the longer disabled youths remain in school, the more they achieve. We need to share this experience with some CSCE countries that are still discouraging disabled children from attending school or isolating them from their peers in segregated settings.

We need to pull together the lessons we have learned in this country about how to reduce financial and physical dependency of disabled populations by supporting independence and productivity.

Our tool for sharing our accomplishments is contained in the philosophies which governed the crafting of the Individuals with Disabilities Act, the Rehabilitation Act of 1973, Section 504, the Americans with Disabilities Act, and other legislation. This philosophy is known in international circles as a civil rights philosophy: that individuals with disabilities have the same rights to opportunities for education, jobs, social interactions and independent living as non-disabled individuals. We need to weave these principals together. We need to compile an American disability policy.

We need to extend this domestic policy into the international arena through foreign policy, making sure that we export the philosophy and best practices in disability rights and independent living. This means our foreign aid dollars, for example, should go towards building accessible, not inaccessible, structures; and our technical assistance and bilateral aid should be inclusive of disabled persons. Foreign disability policy should reflect "The American Way".

### WHAT CAN WE LEARN?

The US disability community can also learn from many of the CSCE states. For example, Some regions of Italy have succeeded in creating a higher degree of parental, teacher, and community support for integrated education than we have. The Italians and Germans are also showing some good results in employment of people with mental impairments working with small companies with a long-term social commitment. Sweden has just adopted major legislation establishing personal assistance services as a right for all who need them. The trend in Scandinavia, led by Denmark, is to redesign such services around the need of consumers rather than service-providing agencies. We have reports that in Germany, 80% of disabled persons who undergo vocational training obtain appropriate jobs. The British have more than 20 years experience in applying their mobility benefits to the purchase of adapted cars. We need to study these and other approaches in order to stay current with new developments.

### RECOMMENDATIONS

1. I would like to recommend that to formalize and increase this information exchange among CSCE states, the review meeting which will take place in Budapest include a discussion

of the parameters and definition of disability rights, as well as an exchange of practical information about domestic and international disability policies. This process should be supported by an international exchange of leaders, as mentioned earlier, to enable CSCE countries to send their disability leaders to study what we have accomplished and to enable our disability leadership to provide technical assistance in the countries that request it. Our foreign assistance and development dollars should support this important technical exchange of expertise.

2. Secondly, I would like the US to support the initiative of the Finnish disability organizations which are proposing to the CSCE that the observable progress of some disabled populations towards obtaining rights and opportunities be studied as examples of how these advances can be encouraged in all members states.

## CONCLUSION

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In closing, I would like to say we are often closer in spirit and outlook to many of the Helsinki Accord partners than it appears. For example, a Russian film on disability has just won UNESCO's Silver Prize. Called "Invalid" with intended irony, the film portrays the story of a disabled man who was told by doctors that he was "more suited to a scientific experiment than a normal life." The man turns to the camera, introduces his wife, and proudly describes his work as a repairman.

The lesson I see here is that, if we can achieve this much in spite of the low expectations of many societies, think what we can contribute when our countries begin to expect us to learn, earn, create, and produce to the same degree as other citizens.

*People with Disabilities Coverage in the  
"Country Reports on Human Rights Practices"*

*Statement of*

*Dr. Charles P. Henry  
Director of External Affairs  
Bureau of Democracy, Human Rights, and Labor  
U.S. Department of State*

*at a hearing entitled*

*"Disability Rights in U.S. Foreign Policy"*

*before the*

*Helsinki Commission*

*September 21, 1994*

Mr. Chairman and distinguished Members, I am pleased to appear before you today to address the subject of the rights of persons with disabilities. Specifically, I am pleased to report on the additional section we have added to our annual Country Reports on the rights of individuals with disabilities.

Mr. Chairman, for well over a century, American experts, advocates, organizations, and programs have made major a contribution toward the full participation of persons with disabilities in this country and worldwide. As early as the late Eighteenth Century, new European views on disability began to attract interest in the United States, especially in the areas of deafness and blindness. American professionals and advocacy groups began to participate in an international dialogue on disability issues. By 1864, Americans were taking the lead by establishing the first college for deaf students. It is located here in the nation's capital--Gallaudet University.

Following the Civil War, the medical and surgical care of a whole generation of survivors became a national concern. However, well into this century, the tendency was to develop care that was convenient for the caretakers.

In 1920 Congress passed the Vocational Rehabilitation Act, establishing the Office of Vocational Rehabilitation. The United States began to play a more prominent international role. Outside the Government, Rehabilitation International was founded in Elyria, Ohio, in 1922. But the Great Depression severely eroded the funding available at both governmental and nongovernmental levels. It was not until the close of World War II that interest in rehabilitation programs was renewed. Returning veterans with disabilities sparked a resurgence of activity and led to President Truman's establishment of the President's Committee on the Employment of the Physically Handicapped.

Mr. Chairman, with the United States' emergence as a center of new rehabilitation initiatives in the 1950s, the United States Government, through the Marshall Plan and Fulbright scholarship program, allowed a number of experts in various disability fields to study in this country. The tremendous nationwide fervor created by the civil rights movement in the 1960s paved the way for a new disability rights movement in the 1970s. Along with a host of new disability rights organizations, the United Nations began to raise the consciousness of the international community.

In 1971 the General Assembly adopted the "Declaration on the Rights of Mentally Retarded Persons." This Declaration was followed by a "Declaration on the Rights of Disabled Persons" adopted by the General Assembly in 1975. This Declaration defines the term "disabled person" to mean "any person unable



to ensure by himself or herself, wholly or partly, the necessities of a normal individual and/or social life, as a result of deficiency, either congenital or not, in his or her physical or mental capabilities." The Declaration proclaims that people with disabilities have the same civil and political rights as other citizens. Following quickly after the Declaration, the General Assembly proclaimed 1981 as the "International Year of Disabled Persons," which led to the World Programme of Action Concerning Disabled Persons in 1982. Finally, the United Nations Decade of Disabled Persons (1983-1992) served to ensure full participation and equality in society for all persons with disabilities.

Mr. Chairman, the United States has been a full and energetic participant in all of these international efforts to guarantee the rights of persons with disabilities. In fact, under President Clinton, the United States has worked more closely than ever with multilateral organizations to foster worldwide cooperation on this issue. In June 1993, the World Conference on Human Rights in Vienna adopted a Programme of Action which reaffirmed that "all human rights and fundamental freedoms are universal and thus unreservedly include persons with disabilities." The 48th General Assembly adopted four resolutions concerning international plans and programs of action on disability. These resolutions, which the United States strongly supported, accomplish the dual goals of promoting the full participation of persons with disabilities in society and urging the United Nations to reform and streamline its efforts in this field.

This year, at preparatory committee meetings of the World Summit for Social Development, the United States joined other countries in supporting language in the Summit's draft documents that would lead to concrete measures empowering all people, including specific reference to people with disabilities, to be full participants in political, social, and economic life.

Your Commission, of course, is familiar with U.S. efforts to include the right of persons with disabilities in the broad human dimension of the CSCE. At the 1991 Moscow Meeting of the CSCE, the U.S. delegation led the effort to adopt for the first time a commitment ensuring protection of the human rights of persons with disabilities. We recognize the leading role that you and members of your staff, who served on the delegation, played in that effort.

Mr. Chairman, under your leadership, along with that of Senators Dole and D'Amato, the United States included an

examination of discrimination against people with disabilities in its annual Country Reports for the first time in 1993. Section 5 is now entitled Discrimination based on Race, Sex, Religion, Disabilities, Language, or Social Status.

Every report must indicate the extent to which persons with physical disabilities are subject to discrimination in employment, education, and provision of other state services. Reports must also indicate whether governments have enacted legislation or otherwise mandated provision of accessibility for persons with disabilities.

This addition effectively extends our commitment to equality of opportunity and full inclusion of persons with disabilities in the international arena. The reporting ranges from Afghanistan to Zimbabwe. In the former country, many patients in Kabul's 600-bed Marastan home for people who were blind, destitute, and mentally ill, were abandoned by the staff as the stability of the country deteriorated. In the latter country, the government passed a Disabled Persons Act in April that specifically prohibits discrimination against people with disabilities in employment, admission to public places, or provision of services. With regard to Europe, several of the countries in Central and Eastern Europe have recently passed laws providing individuals with disabilities with access, but scarce resources make their implementation difficult. Much of Western Europe has passed legislation prohibiting discrimination against persons with disabilities and providing for access to public buildings and transportation. However, the enforcement of such laws is often lax and the rights of persons with disabilities are not given high priority.

Mr. Chairman, the empowerment of persons with disabilities is part of a new approach in the field of human rights. The traditional approach emphasized legal rights, including the rights of individuals with disabilities. These rights are fundamental and our annual Country Reports document the continued discrimination against persons with disabilities across the globe. However, the movement to empower persons with disabilities has the larger goal of changing societal attitudes. It seeks to promote the inclusion of persons with disabilities in society as full and active contributors. The Americans With Disabilities Act of 1990, which many of your members supported, was a pioneering first step in achieving this objective.

Mr. Chairman, only by empowering persons with disabilities will we be able to end the abuses outlined in our 1993 Country Reports. Only by using the full capacities of the nearly 50

-4-

million citizens with disabilities in this country will our nation reach its full potential on a larger scale. The world cannot afford to ignore the talents of its estimated 500 million persons with disabilities. As President Clinton stated last year, "we've begun to shift disability policy in America--and I might add the world--away from dependence towards independence; away from paternalism and toward empowerment."

Thank you.

**U.S. Congress**

**Commission on Security and**

**Cooperation in Europe**

**\*\*\*\*\***

***Disability Rights in U.S. Foreign Policy***

***Focus of Helsinki Commission Hearing***

**\*\*\*\*\***

**Testimony**

**September 21, 1994**

**by**

**Paul L. Silva**



Mr. Chairman, distinguished members of the Helsinki Commission and Commission on Security and Cooperation in Europe, I would like to thank you for the opportunity to be here today to speak on the issue of foreign policy and foreign assistance programs which promote rights for persons with disabilities.

The inclusion of disabled persons in United States foreign policy and foreign assistance policy and practice is one, which, unfortunately until very recently has been neglected and ignored. I would like to commend this committee as well as distinguished members of the Senate, Senator Robert Dole of Kansas, Senator Tom Harkin of Iowa, Senator Paul Simon of Illinois, and Senator Patrick Leahy of Vermont for beginning the process for inclusion of disabled persons into U.S. foreign policy and foreign assistance programs. Likewise, I wish to congratulate the distinguished Co-chairs of this commission, Senator DeConcini and Representative Steny Hoyer for addressing the human rights disability issues facing our nation in the foreign policy arena.

I have organized my testimony around two salient issues: 1) United States monitoring of the human rights of disabled persons; and, 2) How the United States monitoring of disability human rights requires a coordinated disability foreign assistance policy.

The United Nations estimates that fully one in ten persons in the world has a disability. Estimates from developing countries show the incidence to be higher, and, countries involved in current and post civil strife to be higher yet. In many of these countries, persons with physical and/or mental disabilities are subject to

"cruel, inhuman and degrading conditions".

Monitoring human rights of disabled persons in both CSCE countries and developing countries is of great importance to the American public and the international community. By documenting these rights, it not only allows for public recognition of the rights of disabled persons in developing countries but also allows for United States foreign assistance policy makers to monitor and design country appropriate programs and projects empowering disabled persons such as we have so effectively done with women, children and other populations.

Three of the most common and disturbing findings of the U.S. State Department Country Reports are that in most developing countries, "there are no constitutional or legal provisions for persons with physical or mental disabilities," and that, "disabled persons are impoverished, often forced by necessity into beggary". However, there are signs of great progress;- a move from a "medical-welfare" conception of disability to one of civil rights and self-empowerment".

How can these human rights findings be addressed?

In 1991, the Nordic Council of Ministers for Nordic development cooperation from six countries ratified and received full support for the historic Hanaholm Resolution. This resolution established comprehensive policy for inclusion of disabled persons from developing countries in Nordic development efforts. This landmark resolution states that, "Disability issues should be a principle objective of the development cooperation policies of the Nordic countries in line with women, environment and democracy as well as human rights". It further states that, "disabled-oriented

development programmes are part of the goal of the elimination of poverty in the Third World". I respectfully submit a copy of this resolution with my written testimony.

In 1993, I had the opportunity to travel to Denmark to research the effectiveness of this resolution and the implications this could have for United States foreign assistance policies. My findings were that Denmark, Sweden, Norway, and Finland have each established effective and intensive foreign assistance programs empowering disabled persons in developing countries.

In 1991, at the request of Senator Paul Simon, the Committee on Foreign Relations requested that the General Accounting Office (GAO) investigate the United States foreign assistance role with disabled persons. This report, *Foreign Assistance: Assistance to Disabled Persons in Developing Countries*, states, "U.S. agency assistance has been sporadic...rather than part of planned programs with specific objectives to target disabled persons". Although United States foreign assistance programs effectively fund in developing countries prevention and treatment through both vaccination development and immunization delivery and the Civilian War Victims Fund, USAID officials reported that, "the agency does not assign a specific priority to helping disabled persons through its development programs". However, the report further states that, "USAID officials both in field offices and in Washington, cited many examples of existing opportunities for integrating disabled persons into their on-going development programs".

Over the past five years, Congress has begun to take a visionary role in attempting to include disabled persons in United States foreign assistance programs. Begun in

1989, the Congressionally mandated Civilian War Victims Fund administered by USAID and administered by Allan Randlov, received appropriations totalling 25 million dollars over five years to assist disabled persons from 13 post civil war countries. The United States Information Agency (USIA) has been urged to increase its involvement with disability exchange programs.

In 1992 and 1993, the late Jim Sweeney, staffer of Senator Harkin, worked tirelessly to pass Foreign Operations Appropriations language urging USAID to implement development programs empowering disabled persons through education, business and assistive devices development and assistance to local disabled-directed Nongovernment Organizations (NGO's). Unfortunately, specific monies to this end were not allocated and projects were not implemented. The 1994 human rights Country Report findings subsequently show that disabled persons in developing countries continue to live in poverty, often without access to education, health services, and the opportunities to become contributors to their countries economy and society.

Through the grassroots efforts of the disability leadership community in the United States, disabled Americans have organized to promote the inclusion of disabled persons in United States foreign policy and foreign assistance programs. In 1994, after years of individually promoting disabled-directed development projects, Disabled American leaders such as Ed Roberts and Judy Heumann, Co-founders of the World Institute on Disability, Bruce Curtis, International Disability Activist, Susan Sygall, Founder of Mobility International USA, Robert Betts of the University of Nevada Las Vegas, Todd Groves of WID and Jeanette Harvey of the University of San Francisco and Mr. Justin Dart as well as many others organized to form the



National Coalition on Foreign Policy and Disability. This coalition was founded with the mission to ensure that current United States efforts to create a new Foreign Assistance Act clearly include language that affirms the inclusion of persons with disabilities in United States foreign assistance policy and programs.

In the arena of international aid and development, there is already a strong precedent for redesigning programs to reflect basic human rights. In the early 1970's, women were rarely considered or included in international policy or programs. The addition of the Percy Amendment to the Foreign Assistance Act in 1973 made a review of the impact of new programs on women a requirement of all foreign assistance programs. Our international programs now reflect our domestic policy on gender equity and promote a fuller participation of members of our great society. We, of the National Coalition on Foreign Policy and Disability, suggest a similar approach be taken for inclusion of persons with disabilities, especially women with disabilities.

With the passage of the recent Americans with Disabilities Act, we as a nation have clearly set forth our belief that in a democracy, each individual is entitled to full participation in society. I believe that our nation's human rights and foreign assistance activities overseas should reflect and be consistent with the laws and ideals we cherish at home.

Thank you Mr. Chairman.

## Hanaholm Resolution

6 March 1991

Delegates representing various private organizations, including the Nordic handicap movement, development workers and rehabilitation professionals, who attended the Nordic Development Assistance Seminar on Disability Issues at Hanaholmen in Finland on 4 - 6 March 1991, announced their full support to the programme of the Nordic Council of Ministers for Nordic development cooperation, of 19 May 1988, which includes the following recommendation:

"The Council of Ministers recommends to the development cooperation agencies:

- 1) To work actively within the UN and other international bodies and organizations to call attention to the cause of disabled persons,
- 2) to cooperate with private organizations to assist disabled people in developing countries in building up and strengthening their own interest organizations,
- 3) to cooperate with the organizations of disabled persons to ensure that consideration for persons with disabilities is integrated to a wider extent in project work and planning, especially planning of education, training and employment measures in developing countries, and
- 4) to make separate assessments of experience from the integration efforts referred to in 3) above."

In continuation of this recommendation, the Seminar would like to point out:

- That disability-oriented development programmes are part of the goal of eliminating poverty in the Third World
- that disability issues should be a principal objective of the development cooperation policies of the Nordic countries in line with women, environment and democracy as well as human rights
- that disability-oriented development programmes should be aimed at enhancing equality, full participation and equal opportunity for disabled persons and at the same time focus in particular on the situation of disabled women.

To achieve these objectives the following action is recommended:

- that disability aspects should be taken into account in all development cooperation, wherever there are no objective reasons for not complying with this requirement
- that better cooperation and coordination should be ensured within Nordic development cooperation for disabled persons, in each country as well as at the Nordic level
- That assessments should be made to uncover whether separate bodies are required for this cooperation
- that the organizations of disabled persons should be involved to a higher degree in the planning, implementation and assessment of measures in this area
- that Nordic organizations of disabled persons should be given wider scope for assisting their counterparts in recipient countries
- that the assistance rendered by these organizations for disability-oriented development programmes should be tuned to the financial resources of the assisting organizations, and not exceed 10 per cent
- that propagation of knowledge about Nordic disability cooperation measures should be improved through increased exchange of experience and information
- that training in disability issues should be improved for the permanent staff as well as the field staff of development organizations and that better scope for further training should be provided
- that disabled persons should be given far greater opportunity of active involvement in development cooperation
- that disabled persons in recipient countries should be provided with possibilities of active participation in all decisions concerning themselves
- that development activity should be based to the widest possible extent on existing structures and be planned in cooperation with organizations and authorities of recipient countries
- that long-term support is often a prerequisite for making activities in recipient countries self-sustaining

- that the needs of disabled persons should, above all, be met in the community and that further measures that may be required must be a complement to action at the local level
- that initiatives should be taken to lay down a common Nordic policy for disability issues of multilateral development cooperation programmes
- that representatives of organizations of disabled persons should be integrated in national delegations to the UN and other international bodies.

Now that the Nordic countries have ratified the **UN Convention of the Rights of the Child**, it should also be endeavoured to realize this convention in practical work for disabled children in the Third World. The principal objective of the Convention is, in outline:

"The Convention reaffirms that education is a human right and makes special reference, in Article 23, to the right of the mentally or physically handicapped child to receive education and training conducive to the child's achieving the fullest possible social integration and individual development."

The seminar calls on the **Nordic Ministers of development cooperation** to establish an overall objective for the development cooperation policy for disabled persons and to give a Nordic working group the assignment of preparing a specified action plan in accordance with the above recommendations and principles.

The organizations of disabled persons are prepared to act as a source of reference and resource for the continuous work with these issues through the **Nordic Council of Organizations of People with Disabilities**.

6 March 1991



**Testimony of the National Council on Disability  
Regarding the Need to Forward the Human Rights of People  
with Disabilities on an International Basis<sup>1</sup>**

*before the*

**Commission on Security and Cooperation in Europe**



**September 21, 1994**

**2:00 P.M.**

**2212 Rayburn House Office Building**

**Marca Bristo, Chairperson**

**Edward P. Burke, Acting Executive Director**

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<sup>1</sup> Note: This testimony will be read by the Honorable Major R. Owens.

I am pleased to report on the work of the National Council on Disability, an independent Federal agency that advises the President and the Congress, in promoting the human rights of people with disabilities around the world. Ms. Marca Bristo, who was recently confirmed by the Senate to serve as Chairperson of the National Council, has advised me of the Council's latest work in this area and the Council's plans for the future. She would be here herself today, but she is currently in England, working to expand the human and civil rights of people with disabilities in Europe.

As you may know, the National Council on Disability was the organization that first proposed what was to become the Americans with Disabilities Act here in the United States. Today, not many people are aware of the tremendous influence the Americans with Disabilities Act has had in raising the expectations of people with disabilities around the globe. It may seem hard to believe, but there are still many places in this world where people with disabilities are not afforded even the most basic rights. In many countries, people with disabilities are actively excluded from society, infants and children with disabilities are left to die, adults with disabilities are not even considered for employment, and the built environment is totally

inaccessible. The passage of the Americans with Disabilities Act sent a strong international message of freedom and dignity to people with disabilities. It raised expectations and it empowered people to seek their rights and to act bravely in the face of tremendous odds.

Since the passage of the Americans with Disabilities Act, the National Council on Disability has expanded the scope of its activities to include international human rights issues as they relate to persons with disabilities. For example, the Council drafted the first-ever United States initiated resolution on disability policy before the United Nations and worked with the United States delegation to the United Nations Commission for Social Development to negotiate this resolution before 105 countries and to secure its passage through the United Nations General Assembly in December, 1993. The resolution, entitled *Positive and Full Inclusion of Persons with Disabilities in All Aspects of Society and the Leadership of the United Nations Therein* (please refer to Attachment A) synthesizes the application of previous, more general, United Nations documents regarding human rights to persons with disabilities, and directs the United Nations system throughout the world to actively work toward increasing opportunities for

people with disabilities and to promote the full inclusion of people with disabilities within societies and within the United Nations itself. In addition, the Council worked to successfully amend and then pass the United Nations *Standard Rules on the Equalization of Opportunities for Persons with Disabilities* in order to reflect more progressive approaches to disability policies and programs. Thus, the Council has recently played a major role in shaping United Nations policy toward persons with disabilities around the world.

The Council believes that as the leading democracy in the world, the United States is in a unique position to advance progress toward democracy, equality of opportunity, and the full and valued social participation of people with disabilities on an international basis. Toward this end, the Council has determined that it is important at present to "take stock" of current U.S. policy and statutory provisions regarding people with disabilities in other countries in order to develop a more cohesive set of guidelines regarding the treatment of people with disabilities within the foreign policy arena. Thus, the Council is beginning to catalogue current provisions, analyze areas of congruence/disagreement, and develop

recommendations for improved foreign policy and programmatic efforts in meeting the needs of people with disabilities on an international basis.

The road to equality of opportunity is a long one. But we must begin. We cannot afford not to. In his book, *No Pity*, Joe Shapiro describes how Justin Dart, Jr., one of the founders of the disability rights movement in our country, was awakened to action in the area of disability rights during a visit to South Vietnam. It was in Vietnam that Justin first realized that not only were people with disabilities treated poorly, they were considered subhuman. Here, he was brought to an institution for young children with polio, the same condition that had caused his disability. Inside this metal shed one hundred children had been left to die and to be buried in an unmarked field outside. Shapiro quotes Dart as saying, "It was like a branding iron burning that message into my subconscious or onto my soul, to see how human beings were being treated there." The children had been left on the floor, "with bloated bellies and matchstick arms and legs like you see in pictures from Dachau or Auschwitz, with their eyes bugging out, lying in their own feces and urine and their bodies covered with flies."<sup>2</sup>

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<sup>2</sup> Shapiro, J.P. (1993). *No Pity: People with Disabilities Forging a New Civil Rights Movement*. New York: Times Books. (p.110).



This profound realization changed Justin forever. As the international movement of people with disabilities has taken hold, similar experiences have strengthened the ties between people with disabilities worldwide. Prejudice against people with disabilities and violations of their human rights know no national boundaries. It is not until each of us realizes the importance of celebrating the humanity of people with disabilities by expanding guarantees of their basic human rights that the promises held out by the Americans with Disabilities Act to people everywhere will be kept. I urge you to continue and expand this essential work and know that the National Council on Disability will provide you with valuable assistance along the way.

**UNITED  
NATIONS**



## General Assembly

Distr.  
GENERAL

A/RES/48/95  
4 March 1994

Forty-eighth session  
Agenda item 109

### RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

{on the report of the Third Committee (A/48/627)}

48/95.      Positive and full inclusion of persons with disabilities in all aspects of society and the leadership role of the United Nations therein

#### The General Assembly,

Mindful of the pledge made by States, under the Charter of the United Nations, to take action jointly and separately, in cooperation with the United Nations, to promote higher standards of living, full employment, and conditions of economic and social progress and development,

Reaffirming the commitment to human rights and fundamental freedoms, social justice and the dignity and worth of the human person proclaimed in the Charter,

Recalling in particular the international standards of human rights laid down in the Universal Declaration of Human Rights, 1/

Underlining that the rights proclaimed in those instruments should be ensured equally to all individuals without discrimination,

Recalling the provisions safeguarding the rights of women with disabilities in the Convention on the Elimination of All Forms of Discrimination against Women, 2/

1/ Resolution 217 A (III).

2/ Resolution 34/180, annex.

Having regard to the Declaration on the Rights of Disabled Persons, 3/ the Declaration on the Rights of Mentally Retarded Persons, 4/ the Declaration on Social Progress and Development, 5/ the Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care 6/ and other relevant instruments adopted by the General Assembly,

Also having regard to the relevant conventions and recommendations adopted by the International Labour Organisation, with particular reference to participation in employment without discrimination for persons with disabilities,

Mindful of the relevant recommendations and work of the United Nations Educational, Scientific and Cultural Organization, in particular the World Declaration on Education for All, 7/ and of the work of the World Health Organization, the United Nations Children's Fund and other concerned organizations,

Recognizing that the World Programme of Action concerning Disabled Persons, 8/ adopted by the General Assembly by its resolution 37/52 of 3 December 1982, and the definition therein of equalization of opportunities reflect the determination of the international community to ensure that the various international instruments and recommendations will be put to practical, concrete and effective use in improving the quality of life of persons with disabilities and their families and communities,

Acknowledging that the objective of the United Nations Decade of Disabled Persons (1983-1992) to implement the World Programme of Action is still valid and requires urgent and continued action,

Recalling that the World Programme of Action is based on concepts that are equally valid in developed and developing countries,

Convinced that intensified efforts are needed to achieve the full and equal enjoyment of human rights and full participation and inclusion in society of persons with disabilities,

Recognizing that persons with disabilities, their families and representatives and organizations concerned with the needs of persons with

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3/ Resolution 3447 (XXX).

4/ Resolution 2856 (XXVI).

5/ Resolution 2542 (XXIV).

6/ Resolution 46/119, annex.

7/ Final Report of the World Conference on Education for All: Meeting Basic Learning Needs, Jomtien, Thailand, 5-9 March 1990, Inter-Agency Commission (UNDP, UNESCO, UNICEF, World Bank) for the World Conference on Education for All, New York, 1990, appendix 1.

8/ A/37/351/Add.1 and Corr.1, annex, sect. VIII, recommendation 1 (IV).

/...

disabilities must be active partners with States in the planning and implementation of all measures affecting their civil, political, economic, social and cultural rights,

Recalling Economic and Social Council resolution 1990/26 of 24 May 1990, and reaffirming the specific measures required for the attainment of full equality by persons with disabilities, enumerated in detail in the World Programme of Action,

Reaffirming the commitment of the Commission for Social Development to the provisions and rules set out in the ongoing process of elaborating standard rules on the equalization of opportunities for persons with disabilities,

Recognizing the essential role of the United Nations and the Commission for Social Development in providing leadership and positive guidance to encourage worldwide change by equalizing opportunities, promoting independence and ensuring the full inclusion and participation in society of all persons with disabilities,

Seeking to ensure effective implementation of action to promote the full inclusion of persons with disabilities in all aspects of society and to affirm the leadership role of the United Nations in that process,

1. Calls upon the Secretary-General to maintain the integrity and the identity of the United Nations programme on disabled persons, including the United Nations Voluntary Fund on Disability, in order to promote the equalization of opportunities and full inclusion in society of persons with disabilities;

2. Urges the Secretary-General to strengthen, through redeployment of resources, the United Nations programme on disabled persons in order to enable it:

(a) To represent the needs of persons with disabilities and their families and communities throughout the United Nations system;

(b) To ensure effective coordination and streamlining of efforts to respond to the needs of persons with disabilities, through policy formulation, advocacy and liaison, among all bodies within the United Nations system, particularly the International Labour Organisation, the World Health Organization, the United Nations Educational, Scientific and Cultural Organization, the United Nations Development Programme and the United Nations Children's Fund;

(c) To promote equal opportunities and full participation of persons with disabilities and their families and representatives within the United Nations system itself;

(d) In cooperation with Member States, bodies within the United Nations system, non-governmental organizations and other appropriate agencies, to extend technical assistance and disseminate information in order to enhance the capacity of Member States to develop, implement and evaluate their efforts to equalize opportunities and provide for the full inclusion in society of persons with disabilities;

/...

3. Requests the Secretary-General to report biennially to the General Assembly on the progress of efforts to ensure the equalization of opportunities and full inclusion of persons with disabilities in the various bodies of the United Nations system;

4. Also requests the Secretary-General to consider, in view of the importance of ensuring that the needs of persons with disabilities and their families and communities are represented in an equitable manner, strengthening and upgrading the status of the Disabled Persons Unit of the Secretariat through redeployment of resources;

5. Reaffirms that the issues of equalization of opportunities and full inclusion in society for persons with disabilities will be an important part of the preparatory process and the agenda of the World Summit for Social Development to be held at Copenhagen on 11 and 12 March 1995;

6. Welcomes with satisfaction the commitment of the Commission for Social Development to ensuring that the needs of persons with disabilities and their families and communities will continue to be addressed in all of its work.

85th plenary meeting  
20 December 1993



**THE NATIONAL COUNCIL ON DISABILITY:  
A BRIEF DESCRIPTION**



*Together we've begun to shift disability policy in America away from exclusion, towards inclusion; away from dependence towards independence; away from paternalism, and towards empowerment.*

**- President William J. Clinton  
April 16, 1993**

**National Council on Disability  
1331 F Street, N.W. Suite 1050  
Washington, DC 20004**

**(202) 272-2004 Voice  
(202) 272-2074 TT  
(202) 272-2022 Fax**

- \* Gathering information about the implementation, effectiveness, and impact of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);
- \* Advising the President, the Congress, the Commissioner of the Rehabilitation Services Administration, the Assistant Secretary for Special Education and Rehabilitative Services within the Department of Education, and the Director of the National Institute on Disability and Rehabilitation Research on the development of the programs to be carried out under the Rehabilitation Act of 1973, as amended;
- \* Providing advice to the Commissioner with respect to the policies of and conduct of the Rehabilitation Services Administration;
- \* Making recommendations to the Director of the National Institute on Disability and Rehabilitation Research on ways to improve research, service, administration, and the collection, dissemination, and implementation of research findings affecting persons with disabilities;
- \* Providing advice regarding priorities for the activities of the Interagency Disability Coordinating Council and reviewing the recommendations of such Council for legislative and administrative changes to ensure that such recommendations are consistent with the purposes of the Council to promote the full integration, independence, and productivity of individuals with disabilities;
- \* Preparing and submitting to the President and the Congress a report entitled *National Disability Policy: A Progress Report* on an annual basis; and
- \* Preparing and submitting to the Congress and the President a report containing a summary of the activities and accomplishments of the Council on an annual basis.

### Population Served and Current Activities

While many government agencies deal with issues and programs affecting people with disabilities, the National Council is the only federal agency charged with addressing, analyzing, and making recommendations on issues of public policy which affect people with disabilities regardless of age, disability type, perceived employment potential, economic need, specific functional ability, status as a veteran, or other individual circumstance. The National Council recognizes its unique opportunity to facilitate independent living, community integration, and employment opportunities for people with disabilities by assuring an informed and coordinated approach to addressing the concerns of persons with disabilities and eliminating barriers to their active participation in community and family life.

The National Council plays a major role in developing disability policy in America. In fact, it was the Council that originally proposed what eventually became the Americans with Disabilities Act of 1990. Our present list of key issues includes personal assistance

### Overview and Purpose

The National Council on Disability is an Independent Federal agency led by 15 members appointed by the President of the United States and confirmed by the U.S. Senate. The National Council was initially established in 1978 as an advisory board within the Department of Education (Public Law 95-602). The Rehabilitation Act Amendments of 1984 (Public Law 98-221) transformed the National Council into an independent agency. The overall purpose of the National Council is to promote policies, programs, practices, and procedures that guarantee equal opportunity for all individuals with disabilities, regardless of the nature or severity of the disability; and to empower individuals with disabilities to achieve economic self sufficiency, independent living, and inclusion and integration into all aspects of society.

### Specific Duties

The current statutory mandate of the National Council includes the following:

- \* Reviewing and evaluating, on a continuing basis, policies, programs, practices, and procedures concerning individuals with disabilities conducted or assisted by Federal departments and agencies, including programs established or assisted under the Rehabilitation Act of 1973, as amended, or under the Developmental Disabilities Assistance and Bill of Rights Act; and all statutes and regulations pertaining to Federal programs which assist such individuals with disabilities in order to assess the effectiveness of such policies, programs, practices, procedures, statutes, and regulations in meeting the needs of individuals with disabilities;
- \* Reviewing and evaluating, on a continuing basis, new and emerging disability policy issues affecting individuals with disabilities at the Federal, State, and local levels, and in the private sector, including the need for and coordination of adult services, access to personal assistance services, school reform efforts and the impact of such efforts on individuals with disabilities, access for health care, and policies that operate as disincentives for the individuals to seek and retain employment.
- \* Making recommendations to the President, the Congress, the Secretary of Education, the Director of the National Institute on Disability and Rehabilitation Research, and other officials of Federal agencies, respecting ways to better promote equal opportunity, economic self-sufficiency, independent living, and inclusion and integration into all aspects of society for Americans with disabilities.
- \* Providing the Congress, on a continuing basis, advice, recommendations, legislative proposals, and any additional information which the Council or the Congress deems appropriate;

services, health care reform, the inclusion of students with disabilities in high quality programs in typical neighborhood schools, equal employment opportunity, community housing, monitoring the implementation of the Americans with Disabilities Act, improving assistive technology, and ensuring that persons with disabilities who are members of minority groups fully participate in society.

### Current Members

Marca Bristo, Chairperson  
Chicago, IL

Bonnie O'Day  
Somerville, MA

John A. Gannon, Vice Chairperson  
Washington, DC and Cleveland, OH

Mary M. Raether  
McLean, VA

Linda W. Allison  
New York, NY

Shirley W. Ryan  
Kenilworth, IL

Ellis B. Bodron  
Vicksburg, MS

Anne C. Seggerman  
Fairfield, CT

Larry Brown, Jr.  
Potomac, MD

Michael B. Unhjem  
Fargo, ND

Mary Ann Mobley Collins  
Beverly Hills, CA

Helen W. Walsh  
Greenwich, CT

Anthony H. Flack  
Norwalk, CT

Kate Pew Wolters  
Grand Rapids, MI

Robert S. Muller  
Grandville, MI

# THE NATIONAL FOCUS



Donna Noland  
 Publisher/Editor  
 The National Focus  
 Phoenix, Arizona

Honorable Members of Congress and the Helsinki Commission, I respectfully submit the following remarks:

I am the publisher/editor of The National Focus, a disabilities newspaper distributed throughout the United States, and have been involved in advocacy for many years.

Since 1991, I have traveled to Geneva, Switzerland, to the United Nations, and seized the opportunity each time to speak with many people who also traveled there to pursue human rights issues. Being present when the report and recommendations of Special Rapporteur Despouy was presented to the Human Rights Committee and the following February when it was presented to the Human Rights Commission, provided me with much insight; however, we cannot rely upon a single body to investigate and ensure that gross violations of human rights of individuals with disabilities are investigated.

Through Senator DeConcini, I began to approach the Helsinki Commission, to ask that you focus upon the disabilities population.

Each time that I have returned to Geneva, speaking with people from many countries, visiting the press rooms, and attending the human rights sessions, I've noted that disabilities human rights issues are not agenda items, though it is appropriate to speak to human rights issues - for disabled people are everything: races, religions, men, women, all ages.

There is no investigative reporting by the media of disabilities populations forced to migrate; or those who are disabled, or become disabled through catastrophic events such as civil wars, hurricanes, famine, disease, earthquakes, etc. A recent human rights reports minimally refers to disabilities populations.

We saw in international news a dramatic photograph of a man who uses a wheelchair, fleeing in the midst of bombing. What happened to him? We see children as young as ten years old in military uniforms, carrying firearms, who are trained for battle. Many of them become disabled. We see and hear in the news about evacuations of people from battle-ravaged countries, yet we do not hear that individuals with disabilities are among them.

~~Among the people I spent time with was a remarkable, elderly~~  
 P.O. BOX 37485 • PHOENIX, ARIZONA 85069 • 602-943-1151 VOICE & FAX • 602-944-0934/TTY



woman, herself having a physical disability, who devotes her time to help free people from mental institutions. I met a young man who experienced a head injury, and spent eleven months in restraints in a mental institution.

The silence, or absence, of focus upon the disabilities population population - a population of more than half billion - must cease. Not by creating a committee on disabilities human rights, but through action - by integrating individuals with disabilities - irrespective of the disability - into the full scope of human rights investigations.

It is my fervent hope that today's briefing will result in this action.

# Mental Disability Rights International

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*Director*

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Co-Directors*

*Bazelon Center  
for Mental Health Law  
Leonard S. Rubenstein  
Director*

Statement of Eric Rosenthal  
Director, Mental Disability Rights International  
Submitted to the  
Commission on Security and Cooperation in Europe

September 21, 1994

Mental Disability Rights International (MDRI) is a non-governmental organization promoting the international recognition and enforcement of the rights of people with mental disabilities. Drawing on the skills and experience of people with mental disabilities, concerned family members, mental health professionals, civil rights lawyers and other human rights advocates in the United States and abroad, MDRI is forging a new alliance to challenge discrimination and abuse of people with mental disabilities.

There is an immediate need for action on the part of the United States and the international community. Kept in institutions segregated from society and out of public view, people with mental disabilities are often subject to the most extreme forms of "cruel, inhuman, and degrading treatment" prohibited in article 7 of the International Covenant on Civil and Political Rights. Squalid physical conditions, inadequate medical care, violence on the ward, and the lack of legal recourse against abuse can render institutionalization dangerous or life threatening. MDRI has recently documented the discrimination and abuse of people with mental disabilities in Eastern Europe and other parts of the world.<sup>1</sup>

There is now an opportunity to bring about change. In December 1991, the United Nations adopted the "Principles for the Protection of Persons with Mental Illness" (the MI Principles),

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<sup>1</sup> Copies of MDRI reports on human rights conditions in Uruguay or Hungary are available from MDRI, Washington College of Law, 4400 Massachusetts Ave. NW, Washington, D.C. 20016-8084.

setting forth a broad range of international standards to protect against discrimination and abuse of people with mental disabilities.<sup>2</sup> Together with United Nations declarations on the rights of people with mental retardation, detailed standards now allow fair and reliable assessment of human rights conditions across all cultures and levels of development.

Until recently, people with mental disabilities were left out of the United States human rights and international development agendas. While the Department of State's Country Reports on Human Rights Practices have documented psychiatric abuses against political dissidents, until now they have failed to document the abuse of people with mental disabilities in psychiatric institutions and mental retardation facilities. The new policy of the United States Department of State to report on human rights for people with mental disabilities is an important new development. Given the widespread and pervasive nature of human rights abuses against people with mental disabilities, the United States Department of State should annually document conditions in mental health and mental retardation facilities in every country included within the Country Reports. The United States must build upon this new fact-finding effort to ensure that a concern for the rights of people with mental disabilities is reflected in all aspects of United States foreign policy.

The Clinton administration's inclusion of "democratization" as one of the pillars of its international development policy is an important step. Locked in psychiatric facilities, segregated from society by the lack of community service and support facilities, and subject to discrimination in housing, employment, and education, people with mental disabilities have not been able to enjoy the fruits of democracy in much of the world. To fulfill the promise of democratization for people with mental disabilities, the United States foreign assistance budget must provide support for mental disability rights advocacy. Funds must be made available to support the work of mentally disabled citizens, their families, and their allies, to seek reform of mental health and mental retardation systems through the courts and through responsive local and national governments.

We in the United States must respect our own international obligations toward United States citizens with mental disabilities by ensuring the full enforcement of their human rights within our own borders. The United States can further this process by reporting on United States' implementation of the MI Principles when we submit our next report to the United Nations Human Rights Committee under the International Covenant on Civil and Political Rights. Congress can signal its commitment to ensuring the "highest attainable standard of physical and mental health" for Americans by ratifying the International Covenant on Economic, Social, and Cultural Rights without further delay.

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<sup>2</sup> The MI Principles are described further in Eric Rosenthal and Leonard S. Rubenstein, International Human Rights Advocacy under the Principles for the Protection of Persons with Mental Illness 16 International Journal of Law & Psychiatry 257 (1993).

The following language is excerpted from the Moscow Document of the Conference on Security and Cooperation in Europe. The delegations of 53 CSCE participating states agreed to these commitments on October 3, 1991.

- (41) The participating States decide
- (41.1) - to ensure protection of the human rights of persons with disabilities;
  - (41.2) - to take steps to ensure the equal opportunity of such persons to participate fully in the life of their society;
  - (41.3) - to promote the appropriate participation of such persons in decision-making in fields concerning them;
  - (41.4) - to encourage services and training of social workers for the vocational and social rehabilitation of persons with disabilities;
  - (41.5) - to encourage favourable conditions for the access of persons with disabilities to public buildings and services, housing, transport, and cultural and recreational activities.

---

STENY H. HOYER

### DISABILITY RIGHTS IN AMERICAN FOREIGN POLICY

Mr. Speaker, it was just three years ago that the Congress passed, and President Bush signed into law, the Americans with Disabilities Act. With ADA, this nation fortified its commitment to a national policy based on equality of opportunity, full participation, and inclusion. Today, with my good friend and colleague Ben Gilman, Ranking Minority Member on the House Foreign Affairs Committee, I am introducing a bill to extend this commitment to our foreign policy as well.

Our bill will direct the Secretary of State to include an examination of discrimination against people with disabilities as part of the Department's annual reporting on human rights. The text of the bill is simple, but its message is profound. This bill tells the world that America holds dear the rights of all people, including those people with disabilities. It tells the world that we will consider the respect for the human rights of people with disabilities as an important component of human rights policy. It reaffirms our conviction that people with disabilities can and should be full, contributing participants in society all across the globe.

As Chairman of the Commission on Security and Cooperation in Europe, I have seen the way international attention and concern can speed the promotion and protection of human rights. The CSCE process, by setting human rights standards and commitments for persons belonging to national minorities, migrant workers, Roma (Gypsies), and others who suffer persecution or discrimination, has helped focus both governmental and non-governmental efforts on improving the lives of hundreds of thousands of people.

At the CSCE Moscow Meeting in 1991, I advocated and achieved the establishment of CSCE commitments on the human rights of persons with disabilities. For the first time in CSCE history, the participating States agreed to take steps to ensure the equal opportunity of persons with disabilities to participate fully in the life of their society. They agreed to promote the appropriate participation of such persons in decision-making in fields concerning them, and to encourage favorable conditions for the access of persons with disabilities to public buildings and services, housing, transport and cultural and recreational activities. They also agreed to encourage services and training of social workers for the vocational and social rehabilitation of persons with disabilities. Commitments like these, now an established component of CSCE human rights standards, can be an important yardstick against which to measure performance.

Mr. Chairman, the issue of human rights is one that transcends all boundaries. It is an issue that unites, rather than divides, bringing diverse people and groups under one grand umbrella of humanity, dignity, and respect. In our own Congress, we have forged



tremendous partnerships to champion this cause, because it is one that strikes a chord in all Americans, whatever their political beliefs or geographical backgrounds. I want to commend the Minority Leader in the Senate, our colleague Bob Dole, who has played a strong leadership role on this issue, spearheading the Senate version of this legislation and rallying impressive bipartisan support.

This bill gives us a chance to make a positive contribution to the cause of human rights around the world, one that concerns not only the 500 million individuals with disabilities, but every single member of society. Prohibiting discrimination and promoting inclusion are practices that benefit us all. In a world too often torn by division and hatred, let us take a moment to remember and affirm that each individual matters.

I urge my colleagues to join me in support of this bill.

103D CONGRESS  
1ST SESSION

# S. 1256

To amend the Foreign Assistance Act of 1961 to examine the status of the human rights of people with disabilities worldwide.

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## IN THE SENATE OF THE UNITED STATES

JULY 16 (legislative day, JUNE 30), 1993

Mr. DOLE (for himself, Mr. HARKIN, Mr. HELMS, Mr. MCCAIN, Mr. LEAHY, Mr. SIMON, Mr. D'AMATO, Mr. DURENBERGER, Mr. KENNEDY, Mr. INOUE, Mr. LUGAR, Mr. MITCHELL, Mr. JEFFORDS, Mr. HATFIELD, Mrs. KASSEBAUM, Mr. MOYNIHAN, and Mr. HATCH) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

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## A BILL

To amend the Foreign Assistance Act of 1961 to examine the status of the human rights of people with disabilities worldwide.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the "Disability Rights in  
5 American Foreign Policy Act of 1993".

### 6 SEC. 2. FINDINGS AND PURPOSES.

7 (a) FINDINGS.—The Congress finds that—

1 (1) at least 500 million people throughout the  
2 world have a disability, most of whom live in devel-  
3 oping countries;

4 (2) legal and other forms of discrimination  
5 against people with disabilities are pervasive world-  
6 wide;

7 (3) such discrimination involves not only active  
8 exclusion, but a lack of accommodations and acces-  
9 sibility that would allow participation by people with  
10 disabilities;

11 (4) discrimination against people with disabil-  
12 ities is a violation of their human rights; and

13 (5) discrimination against people with disabil-  
14 ities has not historically been addressed by existing  
15 standards of human rights employed in American  
16 foreign policy.

17 (b) PURPOSE.—It is the purpose of this Act to pro-  
18 mote recognition of the human rights of people with dis-  
19 abilities and to promote the elimination of discrimination  
20 against such people.

21 **SEC. 3. DISCRIMINATION AGAINST PEOPLE WITH DISABIL-**  
22 **ITIES INCLUDED IN ANNUAL REPORT ON**  
23 **HUMAN RIGHTS.**

24 (a) Section 116(d) of the Foreign Assistance Act of  
25 1961 (22 U.S.C. 2151n(d)) is amended—

## 3

1           (1) by striking "and" at the end of paragraph  
2           (2);

3           (2) by redesignating paragraph (3) as para-  
4           graph (4); and

5           (3) by inserting after paragraph (2) the follow-  
6           ing:

7           "(3) an examination of discrimination toward  
8           people with disabilities; and".

9           (b) Section 502B(a)(1) of the Foreign Assistance Act  
10          of 1961 (22 U.S.C. 2304) is amended by inserting "dis-  
11          ability," after "language,".

103d Congress  
2d Session

JOINT COMMITTEE PRINT

# COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1993

## REPORT

SUBMITTED TO THE

COMMITTEE ON FOREIGN AFFAIRS  
U.S. HOUSE OF REPRESENTATIVES

AND THE

COMMITTEE ON FOREIGN RELATIONS  
U.S. SENATE

BY THE

DEPARTMENT OF STATE

IN ACCORDANCE WITH SECTIONS 116(d) AND 502B(b) OF THE  
FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED



FEBRUARY 1994

Printed for the use of the Committees on Foreign Affairs and Foreign  
Relations of the House of Representatives and U.S. Senate respectively

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This document reprints excerpts regarding people with disabilities from  
the *Country Reports on Human Rights Practices for 1993*.

Prepared by the Office of Senator Robert J. Dole  
March 1994



BOB DOLE

KANSAS

141 SENATE HART BUILDING  
(202) 224-4521COMMITTEES  
AGRICULTURE, NUTRITION, AND FORESTRY  
FINANCE  
RULES

## United States Senate

WASHINGTON, DC 20510-1601

March 1994

Dear Friend:

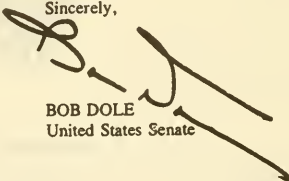
I am pleased to provide this reprint of excerpts concerning people with disabilities from the Country Reports on Human Rights Practices for 1993. Prepared annually since 1977 for the Congress, the Country Reports have become an authoritative survey of human rights worldwide, closely read by other governments and human rights organizations.

In July 1993, I introduced a bill, the "Disability Rights in American Foreign Policy Act" (S. 1256), to direct the Secretary of State to examine discrimination against people with disabilities in the Country Reports. In my view, as a nation that has been a pioneer in promoting the dignity of its own citizens with disabilities, we have a special obligation to assume leadership in the human rights of people with disabilities internationally. Yet, we know little about the human rights situation of people with disabilities. Given the unique experience and reporting system of the State Department on human rights, I felt that Country Reports could provide the information we need.

Happily, the Secretary of State was listening. Even before any legislative action, the Country Reports for 1993 (published in February 1994) included for the first time a short section on the status of people with disabilities in 190 countries, from Afghanistan to Zimbabwe. Although as might be expected in the first year, individually the country reports are somewhat uneven, overall they are a very credible first effort.

I hope you find these excerpts useful and of interest, and would be very interested in your comments and any suggestions for improvements.

Sincerely,

  
BOB DOLE  
United States Senate

## COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1993

(Page numbers refer to Joint Committee Print.)

**AFGHANISTAN***People with Disabilities (pp. 1318-1319)*

The mentally and physically disabled suffered as a result of the anarchic situation existing in much of the country. The international media reported that residents of Kabul's 600-bed Marastun home for the blind, destitute, and mentally ill were abandoned by the staff in January as the security situation deteriorated. Many of the patients wandered away amid the fighting, other stayed and lived unattended and largely unfed, more than a dozen were killed in crossfire or rocket attacks, and a number of mentally ill women were reportedly raped by gunmen who repeatedly broke into the home.

There is no information indicating whether the Government has enacted legislation mandating provision of accessibility for the disabled. Available evidence indicates a large portion of health care activity of international humanitarian relief organizations focused on providing prostheses and therapy to victims of land mines.

**ALBANIA***People with Disabilities (p. 775)*

In 1993 Parliament approved a law to assist disabled World War II veterans. Due to the paucity and poor quality of medical care under the Communist regime, there is a disproportionately high number of disabled persons in Albania. Disabled persons are eligible for various forms of public assistance, but the level of that assistance is meager. The public care section of the Ministry of Labor and Social Welfare is to establish local offices for the treatment and rehabilitation of the disabled. The Government has not yet legislated or otherwise mandated accessibility for the disabled due to the relative poverty of the State and the population in general.

**ALGERIA***People with Disabilities (p. 1155)*

The Government is committed in principle to protecting the rights and welfare of the disabled. The Ministry of Labor and Social Affairs sponsored in January the creation of the Consultative Council for the Protection of Handicapped People (CNCIPH). It is charged with identifying and resolving professional discrimination against the handicapped, organizing cultural and sporting activities for the handicapped, providing the handicapped with professional training and placement assistance, and working to assure the accessibility of public places to the handicapped. Several private associations for the disabled also exist, including the Federation of Associations for the Physically Handicapped. The lack of available government resources, however, greatly limits the services and assistance that both the public and private associations are able to provide to the disabled.

**ANDORRA*****People with Disabilities (p. 779)***

Some, but not all, public buildings and public places provide facilities for handicapped access. Government spokesmen affirm that there is no discrimination against people with disabilities.

**ANGOLA*****People with Disabilities (p. 6)***

There are many physically disabled individuals throughout Angola, the majority of whom are casualties of land mines and other war-related injuries. While there was no obvious discrimination against them, the Government did little to ameliorate their physical, financial, or social distress. Physical access for the disabled to public buildings is not mandated.

**ANTIGUA AND BARBUDA*****People with Disabilities (p. 347)***

There are no specific laws mandating accessibility for the disabled, but there are constitutional provisions that prohibit discrimination against the physically disabled in employment and education. There is no evidence of widespread discrimination against physically disabled individuals.

**ARGENTINA*****People with Disabilities (p. 352-353)***

Disabled persons' rights are protected by law, and some provisions have been made (i.e., curb ramps in some urban areas) to accommodate persons with physical disabilities. A comprehensive federal law protects the rights of disabled persons and mandates special concessions in employment, but its observance is difficult to judge. The media generally highlight instances in which the rights of the disabled appear to be violated or ignored, such as in the case of a 19-year-old woman in Buenos Aires with Down's syndrome who was banned from voting in the October elections. Such reports were infrequent.

**ARMENIA*****People with Disabilities (p. 784)***

The Parliament in 1993 passed a law on invalids that in principle guarantees the social, political, and individual rights of the handicapped. The law does not mandate the provision of accessibility for the disabled, however. Appreciation of the rights of the handicapped remains very rudimentary.

**AUSTRALIA*****People with Disabilities (p. 580)***

The Federal Disability Discrimination Act (1992) complements state laws prohibiting discrimination. It is administered by the Human Rights and Equal Opportunity Commission, a Commonwealth body whose first Disability Discrimination Commissioner was appointed in February. Federal officials are currently developing a national disability strategy based on the U.N. Standard Rules on the Equalization of Opportunities for Persons with Disabilities. Ensuring access to public buildings is required by the Disability Discrimination Act and, in part, is addressed in building codes. Australian authorities are investigating ways to improve compliance in practice.

**AUSTRIA*****People with Disabilities (p. 787-788)***

Disabled individuals are protected by law from discrimination in housing, education, and employment. Austrian law requires businesses and state and federal government offices to employ 1 disabled person for every 25 to 45 employees, depending on the type of work, or to pay a fee to the Government. The Government uses collected fees to pay for programs for the disabled--such as training programs and grants to firms to help pay the wages of disabled workers. Some businesses and offices opt to pay the fee rather than employ people with disabilities. No federal law mandating access for the disabled has been enacted. Some public buildings are virtually inaccessible for those unable to climb stairs.

**AZERBAIJAN*****People with Disabilities (p. 793)***

No legislation or otherwise mandated provision of accessibility for the disabled has been enacted.

**BAHAMAS*****People with Disabilities (p. 358)***

The Ministry of National Insurance and Social Development began work in June to formulate for the first time a national policy regarding the disabled, with a target of mid-1994 for the announcement of the new policy. Although the 1973 National Building Code mandates certain accommodations for the physically disabled in new public buildings, this part of the code is rarely enforced. Assistance for the disabled is provided by several government ministries and private organizations. Approximately 150 children are enrolled in the public Stapledon School for the Mentally Retarded. The Special Services Division of the Ministry of Education provides speech therapy classes and the recently constructed Thelma Gibson primary school includes facilities which can accommodate physically disabled children while keeping them in a mainstream educational institution. The State Home for Orphaned and Abandoned Children includes a residence for physically disabled children.

**BAHRAIN***People with Disabilities (p. 1162)*

Bahraini law protects the rights of people with disabilities, and a variety of governmental, quasi-governmental, and religious institutions are mandated with the support and protection of disabled persons. The Regional (Arabian Gulf) Center for the Treatment of the Blind is headquartered in Bahrain. Bahraini society tends to view people with disabilities as special cases in need of protection rather than as fully functioning members of society. Nonetheless, the Government is required by law to provide vocational training for disabled persons wishing to work and maintains a list of certified, trained disabled persons. The Labor Law of 1976 also requires that any employer employing over 100 employees engage at least 2 percent of its employees from the Government's list of disabled workers. The Ministry of Labor and Social Affairs works actively to place people with disabilities in public sector jobs, such as in the public telephone exchanges. The Government's housing regulations require access be provided to disabled persons. Most large public buildings (including the Ministries of Foreign Affairs and Defense, the University, and schools) are equipped with ramps and other aids which make them accessible to disabled persons.

**BANGLADESH***People with Disabilities (p. 1329)*

According to government figures, there are approximately 3 million disabled people in the country. Bangladesh's laws provide for equal treatment and freedom from discrimination for the disabled. The Government has not yet enacted specific legislation or otherwise mandated accessibility for the disabled. It has announced, however, that it is developing a national plan of action to address this and other ways of promoting the rights of disabled people.

In 1993 the Ministry of Social Welfare reported that in the last year approximately 100,000 disabled people benefited from programs to teach technical skills. An overall lack of resources directed toward the disabled, however, leaves them disadvantaged and unable to benefit fully from legally prescribed rights. The disabled are particularly vulnerable to the problems of insufficient employment opportunities and inadequate health, education, and social services that affect the society as a whole.

**BARBADOS***People with Disabilities (p. 362)*

There is neither local legislation nor regulations within the Labor Code which prohibit discrimination against the physically disabled in employment, education, or the provision of other state services. The Handicapped Section of the Labour Department, which is concerned with finding jobs for the disabled, unsuccessfully advocated the introduction of such legislation in the 1980's. Similarly, there is no legislation mandating provision of handicapped access to public thoroughfares or public or private buildings. However, there are interest groups that have lobbied for this type of legislation from time to time, but so far without success.



**BELARUS***People with Disabilities (p. 800)*

Facilities in Belarus, including transport and office buildings, often are not accessible to the disabled. A law mandating accessibility to transport, residences, businesses, and offices for the disabled came into force in late 1992. A multiagency government council is to oversee the implementation of these provisions. The Committee was only recently established and has only started its activities. In addition, the law provides various social and material benefits for the handicapped. One advocacy group claimed that the law is not being enforced, although other groups say it is still too soon to tell how effective the law will be.

**BELGIUM***People with Disabilities (p. 805)*

Each of the three linguistic community councils administers a fund for the social integration of the disabled. The funds support placement of the disabled in jobs and schools, and include payment for necessary accommodations. Dedicated public housing for the disabled is available and government facilities built since 1970 must be accessible to the handicapped. There are, however, no laws prohibiting discrimination against the disabled in semipublic accommodations such as restaurants or private schools.

**BELIZE***People with Disabilities (p. 367)*

Assistance to physically disabled persons is provided by the Government's Disability Services Unit as well as by a number of NGO's such as the Belize Association of and for Persons with Disabilities and the Belize Center for the Visually Impaired. Disabled children have access to government special education facilities. Belizean law does not specifically prohibit job discrimination against disabled persons. The provision of accessibility for disabled persons is not mandated legislatively or otherwise.

**BENIN***Children (p. 11)*

[S]ome infants born with deformities are deemed to be sorcerers and reportedly killed at birth in some rural areas. The Government deals with such matters as criminal offenses and regularly prosecutes offenders. . . .

*People with Disabilities (p. 11)*

The Constitution contains a clause mandating that the State "look after the handicapped." However, there are no legislatively or otherwise mandated provisions of accessibility for disabled persons. The Government runs a number of social centers for disabled persons and conducts seminars, including one in 1993 attended by government officials and members of

associations of persons with disabilities, to encourage the handicapped to become better organized and to recommend methods for improved social integration. Nonetheless, disabled persons are subject to societal discrimination. For example, they are sometimes popularly believed to be cursed and are treated as outcasts and forced into beggary.

#### **BHUTAN**

##### *People with Disabilities (p. 1338)*

Bhutan has not passed legislation mandating accessibility for the disabled. There is no evidence of official discrimination against people with disabilities, but neither is there evidence of official efforts to assist the disabled.

#### **BOLIVIA**

##### *People with Disabilities (p. 372)*

There is no legislation specifically directed at problems of people with disabilities, though legislation on other topics includes provisions for the disabled. For example, the 1992 electoral law required special voting arrangements for blind people. The law prohibits economic discrimination against the disabled. However, the Government has not provided services and infrastructure to accommodate their needs. Societal attitudes keep most disabled Bolivians at home from an early age with the result that they are rarely integrated into society through education and employment.

#### **BOSNIA-HERZEGOVINA**

##### *People with Disabilities (p. 815)*

The pervasiveness of the war, the destruction of the economy, and the Government's reduced means limited assistance to the disabled, including those disabled by the war. An example of disregard for the needs of the disabled occurred as the HVO withdrew from Fojnica: troops evacuated the doctors from a hospital for mentally impaired children, but left the patients behind.

#### **BOTSWANA**

##### *People with Disabilities (p. 18)*

The Government does not discriminate on the basis of physical handicaps, and, working with the NGO community, promotes special education and training. A growing number of job opportunities exist for the disabled in both the private and public sectors, but opportunities do not match the number of those in need. Public buildings and vehicles can rarely accommodate wheelchairs, although a handful of newer buildings in the Gaborone area offer ramps and elevators. Those features are not, however, the result of legislation.

**BRAZIL*****People with Disabilities (p. 380)***

The 1988 Constitution contains several provisions for the disabled, guaranteeing a minimum salary, educational opportunities, and access to public buildings as well as public transportation. As is the case with many other provisions of the Constitution, no legislation has been enacted to implement these objectives.

**BRUNEI*****People with Disabilities (p. 585)***

There are no provisions for easy access to public places and no affirmative legislation for the disabled in Brunei. However, the disabled are well integrated into Brunei society and the workplace, due mainly to past and ongoing efforts of the Government and associations for the disabled to raise public consciousness.

**BULGARIA*****People with Disabilities (p. 823)***

Disabled persons receive a range of financial assistance, including free public transportation, reduced prices on modified automobiles, and free equipment such as wheelchairs. The Government in 1993 worked with the Union for Handicapped Persons to launch a pilot project to improve access to rail transportation. Handicapped persons have access to university training and to housing and employment, although no special programs are in place to allow them to live up to their full employment potential. To date, little effort has been made to change building or street layouts to help blind or otherwise handicapped persons. Also, policies under the previous regime that deliberately separated mentally and physically handicapped persons, including children, often placing them in institutions and workplaces remote from the larger cities, have persisted.

**BURKINA FASO*****People with Disabilities (p. 23)***

While there is a modest program of government subsidies for workshops for the disabled and for bicycles and wheelchairs, there is no government mandate or legislation concerning accessibility for the disabled.

**BURMA*****People with Disabilities (p. 595)***

Official assistance to persons with disabilities is extremely limited. There is no law mandating accessibility to government facilities for those with disabilities. A small number benefit from the services of the Mary Chapman School for the Deaf in Rangoon, which recently began receiving government patronage, or from modest religious-associated assistance programs

funded through private donations. Most disabled persons, however, must rely on traditional family structures to provide for their welfare, and many become destitute. The principal exception is disabled members of the military, who receive medical attention, rehabilitation, and financial assistance, though most veterans receive such benefits only for a few years after discharge. Reliable reports indicate that high-ranking officers receive better treatment than the rank and file. Since 1986 Burmese authorities have permitted representatives of the ICRC to work in Burma to upgrade provision of orthopedic prostheses. Because of both landmines and train-related accidents, Burma has one of the highest rates of amputees in the world.

#### **BURUNDI**

*People with Disabilities (pp. 30-31)*

Burundi's rudimentary economy effectively excludes the physically disabled from many types of employment. Some sheltered craft workshops exist in Bujumbura but the most frequent occupation for the physically disabled is street and market vending or begging. The Government has not enacted legislation or otherwise mandated provision of accessibility for the disabled.

#### **CAMBODIA**

*People with Disabilities (p. 603)*

Cambodia has the highest percentage of handicapped persons in the world; one in 286 Cambodians is missing at least one limb. Programs administered by various NGO's have brought about dramatic improvements in the treatment and rehabilitation of amputees. Although the handicapped are often looked upon as a burden by poor families, rehabilitation programs have improved how they are perceived. Accessibility for the handicapped is not mandated either legislatively or otherwise.

#### **CAMEROON**

*People with Disabilities (p. 40)*

The Constitution does not protect the disabled. Lack of facilities and care is particularly acute for the mentally handicapped. Although Cameroonian society is generally tolerant of physical disabilities, which are commonplace, the Government has not mandated accessibility for the disabled.

#### **CANADA**

*People with Disabilities (p. 828)*

The Charter of Rights and Freedoms and the Human Rights Act explicitly prohibit discrimination against people with disabilities. Recent attempts to provide better employment opportunities to the disabled have not been entirely successful; disabled persons remain underrepresented in the work force.

In the 1993 elections Canada made notable improvements in its services and facilities for voters with disabilities.

## **CAPE VERDE**

*People with Disabilities (p. 44)*

Physically disabled persons are not subject to discrimination in employment or education, and a campaign is under way to educate the public about the capabilities of the disabled for employment. There is no government mandate for access to public buildings for the disabled, thereby limiting access to some public services, but the Government attempts to provide transportation (a combination wheelchair and three-wheel motor scooter) for handicapped persons.

## **CENTRAL AFRICAN REPUBLIC**

*People with Disabilities (p. 50)*

There is no codified or cultural discrimination against the disabled. There are several programs designed to assist the disabled, including handicraft training for the blind and the distribution of wheelchairs and motorized carts by the Ministry of Social Services. There is no legislated or mandated accessibility for the disabled.

## **CHAD**

*People with Disabilities (p. 58)*

Against a background of civil conflict and inadequate funding, the Government has not developed policies, including legislation on accessibility to buildings, to assist the disabled. Resources and medical expertise are sorely lacking. There is no official discrimination directed against the disabled, but they have little opportunity for wage employment or special education.

## **CHILE**

*People with Disabilities (p. 391)*

Chilean law does not require that public buildings provide access for people with disabilities, and the Santiago metro, the pride of Chile's system of public transportation, has no provisions for wheelchair access. Chile has for many years conducted a telethon to assist people with disabilities in obtaining physical therapy. Groups connected with the telethon are beginning to increase public awareness of people with disabilities. For example, one group formed a dance company with several of the performers confined to wheelchairs. Reserved parking for the disabled is no longer a rarity.



**CHINA***People with Disabilities (p. 616)*

There is no legislation to ensure that buildings, even new ones, are accessible to those with handicaps. A State Council committee was established in October to coordinate policy toward the disabled under China's 1990 law on the handicapped. The results of the eighth 5-year plan for handicapped people, which ended in 1992, were discussed in October; schools for the disabled increased from 400 in 1988 to 1,000 in 1992, and special education increased six-fold. But according to the Disabled Person's Federation, only 6 percent of disabled school-age children are receiving primary education. There are 40,000 welfare enterprises nationwide providing work for the handicapped, and 1.26 million have benefited from rehabilitation projects. Concern that the disabled will lose jobs as enterprises emphasize productivity has led to the creation of a pilot project in which all state enterprises will be required to hire a certain number of disabled workers. The handicapped still suffer from social isolation, especially in rural areas, and some handicapped children are given to orphanages. At the end of December, the Government announced plans to adopt a new law on eugenics, but specifics of the law were not available at year's end.

**COLOMBIA***People with Disabilities (p. 400)*

The Constitution protects the fundamental social, economic, and cultural rights of the physically disabled. In 1988 Colombia became a party to the 159th Agreement on Professional Rehabilitation and the Employment of the Disabled, as adopted by the 1983 General Conference of the International Labor Organization (ILO). There is no legislation specifically mandating provision of access for people with disabilities.

In 1993 three separate bills were introduced in Congress to further expand protection for the physically and mentally disabled. The bills proposed hiring a greater percentage of employees among the ranks of the disabled; a 5-percent allocation of the governmental Institute of Family Welfare budget to programs for disabled minors; and a stipend equal to one-half the minimum wage to those handicapped individuals who are unable to support themselves. The bills were still under discussion at year's end.

**COMOROS***People with Disabilities (p. 62)*

No legislation is in force or pending concerning accessibility to public buildings for people with disabilities.

**CONGO***People with Disabilities (pp. 66-67)*

The Constitution provides the handicapped "specific measures of protection in relation to their needs." In practice, this means very little, though the Government has provided handpowered tricycles to some polio victims, and some special education is provided to the handicapped. The Government has an office charged with the welfare of handicapped persons, but its efforts in this area are limited by severe resource constraints. A Congolese NGO works actively to better conditions for the handicapped. There is no law mandating accessibility to buildings.

**COSTA RICA***People with Disabilities (p. 406)*

Government funding for those with disabilities has been limited. Discrimination against those with disabilities is not prohibited by law, and there are no laws mandating access for such persons. Social services that exist function primarily as charities, with little emphasis on integration into the larger society. Both governmental and private agencies provide services, among which are the Costa Rican Foundation for the Blind, the National Council for Rehabilitation and Special Education, and the Costa Rican Federation for the Functionally Limited.

**COTE D'IVOIRE***People with Disabilities (p. 73)*

There are no laws mandating accessibility for the disabled. Laws do exist prohibiting the abandonment of the mentally or physically handicapped, as well as acts of violence directed at them. Traditional practices, beliefs, and superstitions vary, but infants with serious disabilities have usually not been allowed to live, though this has changed since independence in 1960. The above laws were designed to combat this traditional practice and have resulted in some curtailment in the practice in recent years. Disabled adults are not the specific targets of abuse, but it is difficult for them to compete with able-bodied workers in the tight job market. The Government supports special schools, associations, and artisans' cooperatives for the disabled. The Ministry of Health and Social Protection has been working since 1992 on legislation to protect the rights of the disabled. The media increasingly addressed the issue in 1993, citing progress made but calling for more to be done.

**CROATIA***People with Disabilities (p. 843)*

People with disabilities face few legal discriminatory measures. Education and job opportunities generally are available to them. The serious war-related injuries of increasing numbers of combat veterans have attracted growing attention to their needs. Although no

specific legislation has mandated accessibility for the handicapped, there is a growing social awareness of this issue.

#### **CUBA**

##### ***People with Disabilities (p. 415)***

There have been few known cases of discrimination based on disability. There are laws to provide for the disabled, but no laws mandating accessibility.

#### **CYPRUS**

##### ***People with Disabilities (p. 848)***

Physically or otherwise disabled individuals have no special protection against discrimination in private sector employment in Cyprus, and traditional attitudes are slow to change. In the government-controlled area, disabled persons applying for a public sector position are entitled to preference if they are deemed able to carry out the position requirements and if their qualifications equal those of other applicants. In the Turkish Cypriot community, regulations require businesses to employ 1 disabled person for every 25 positions they fill. Still, enforcement appears unreliable. Disabled persons do not appear to be discriminated against in education and the provision of state services. The Cyprus Government enacted legislation effective June 1 mandating that new public buildings provide access for the disabled; in August new regulations were implemented stipulating that any new hotel or tourist resort provide access points and necessary facilities for disabled persons. The Turkish Cypriot community so far has not enacted legislation or otherwise mandated provision of accessibility for the disabled.

#### **CZECH REPUBLIC**

##### ***People with Disabilities (p. 854)***

A heretofore generous government policy of support for the disabled is being reduced for financial reasons. Standards for receiving disability pensions are reportedly applied more strictly to Roma than to other citizens, though anecdotal evidence suggests that in the past a higher percentage of the Roma qualified for disability payments than of the population at large. The Government has not placed a high priority on the issue of ensuring access for the disabled, nor has discrimination against the disabled been the subject of significant policy or public debate.

#### **DENMARK**

##### ***People with Disabilities (p. 859)***

The extensive social safety net ensures that the special needs of the disabled are addressed. Danish building regulations provide for special installations for the handicapped in public buildings built or renovated after 1977. Older buildings which change the nature of their use also must meet the regulations for public access. The code calls for easy access for the handicapped, defined as level-free access to the ground floor and at least one restroom equipped for use by the handicapped. The Danish Act on Social Welfare includes the provision of

financial assistance for the alteration of private dwellings to accommodate the special needs of those in wheelchairs or needing other special equipment and for assistance in purchasing vehicles with special accessories for the disabled. The Center for Equal Treatment of the Handicapped was launched in August 1993. The Center is a consultative body that assists communities and individuals to ensure that existing regulations concerning the handicapped are followed. There is no Danish antidiscrimination legislation in connection with equal employment for the handicapped. However, a written rule on hiring in the civil service states that preference should be given to the handicapped individual when other factors are the same.

#### **DJIBOUTI**

*People with Disabilities (p. 79)*

There is no specific legislation concerning the handicapped.

#### **DOMINICA**

*People with Disabilities (p. 419; see also p. 418)*

Beyond the general protection of the Constitution, the disabled do not benefit from any specific legislation. There is no requirement mandating access for those with disabilities. Fiscal considerations limited action to adopt legislation covering the disabled. Dominica lacks trained specialists, roads inhibit mobility of shut-ins, and wheelchairs are unaffordable. There is no rehabilitation center.

#### **DOMINICAN REPUBLIC**

*People with Disabilities (p. 424)*

Disabled persons encounter discrimination in employment and the provision of other services. Law No. 21-91, which took effect in September 1991, mandates certain provisions for physical access for the disabled for all new public and private buildings.

#### **ECUADOR**

*People with Disabilities (p. 431)*

While people with disabilities are not legally discriminated against, there are no laws to guarantee access for the handicapped, nor are they provided any other special government assistance.

#### **EGYPT**

*People with Disabilities (p. 1174)*

The Government makes serious efforts to address the rights of the disabled. It works closely with United Nations agencies and other international aid donors to design job training programs for the disabled. The Government also seeks to increase the public's awareness of the capabilities of the disabled in television programming, the print media, and in educational

material in the public schools. Although there is no known legislation for access to public accommodations, the disabled are provided with preferred seating on government-owned mass transit buses.

## **EL SALVADOR**

*People with Disabilities (p. 442)*

Except for the war wounded, who have secured both government and international funding for rehabilitation and retraining programs, the Government has no program to combat discrimination against the disabled, nor are there any laws mandating provision of access for people with disabilities.

## **EQUATORIAL GUINEA**

*People with Disabilities (p. 86)*

There is no constitutional or legal provision for the physically disabled with respect to discrimination in employment, education, or provision of other state services. The Government has not enacted legislation mandating accessibility for the disabled.

## **ERITREA**

*People with Disabilities (p. 90)*

As a result of the recent extremely bloody civil war, there are thousands of disabled male and female former fighters. The Government expends large amounts for their care. Most physically disadvantaged Eritreans are viewed as heroes and are widely assisted by other citizens, as are those disabled for other reasons. There are no laws mandating access for the disabled to public buildings, although assistance is generally provided for those who need it. There is no discrimination in employment or education against people with disabilities.

## **ESTONIA**

*Section 3      Respect for Political Rights: The Right of Citizens to Change Their Government (p. 863)*

[T]he issue of citizenship continued to be a central political issue in 1993. Political debate moved from who is to be automatically considered a citizen to naturalization requirements and, specifically, the requirement to know the Estonian language. Parliament spelled out the content of the language requirement and authorized the Government to relax it for persons born before 1930 and those with certain disabilities. . . .

*People with Disabilities (p. 866)*

There are constitutional protections against discrimination of people with disabilities. While there is no legal discrimination against disabled individuals, little has been done on a



societal or governmental level to enable disabled people to participate normally in public life. There is no public access law, and very little has been done voluntarily.

## **ETHIOPIA**

### ***People with Disabilities (p. 98)***

There is no officially condoned or legally sanctioned discrimination against people with disabilities. Nevertheless, cultural attitudes towards the disabled are often negative. The TGE, with international support, established a commission for rehabilitation to provide ex-servicemen and civilians injured in the civil war with vocational training, assist them in finding employment, and provide them with physical rehabilitation. An official at the rehabilitation agency, a semiautonomous institution under the Ministry of Labor and Social Affairs, estimates that there are 5.3 million disabled persons in Ethiopia out of a population of 53 million. Limited resources restrict assistance to an estimated 20,000 beneficiaries. Ethiopia has no legislation mandating access for the disabled. Legislation addressing other problems of the disabled was under consideration at the end of 1993. As in many other areas, Ethiopia's extreme poverty is both a cause of the problem and an obstacle to its solution.

## **FIJI**

### ***People with Disabilities (p. 636)***

There is no legal discrimination against physically disabled persons in employment, education, and provision of other state services in Fiji. Limited special education facilities are provided in the capital. The Fiji Disabled People's Association, a small voluntary organization based in Suva, is pushing for better health care and special education for the disabled. There are no mandated provisions of accessibility for the disabled.

## **FINLAND**

### ***People with Disabilities (p. 869)***

Legislative measures protect the disabled from discrimination. Statutes requiring accessibility to public places were enacted in the 1970's, but older buildings often lack necessary facilities for the disabled and the new legislation is not retroactive. However, the Government will provide financing for the voluntary retrofitting of older buildings. Equipment for the disabled is not mandatory on public transportation, but the government subsidizes improvements undertaken. Local governments maintain a transport service, which guarantees 18 trips per month for a disabled person. The deaf and the mute are provided with an interpretation service ranging from 120 to 240 hours per year depending on the seriousness of the handicap. The severely disabled are guaranteed public housing.

**FRANCE***People with Disabilities (p. 875)*

A wide range of legislation provides protection for people with disabilities. An extensive program exists to provide special education to those with physical or mental disabilities and to assist those with emotional problems. Financial aid is provided to families with students who need daily care. Handicapped persons over the age of 20 are eligible to receive support payments from the Government as well as reductions in their income tax.

Since 1988 France has mandated that disabled persons make up at least 6 percent of all public and private enterprises with 20 or more employees. The Government will in some cases reimburse employers up to 20 percent of the costs of employing someone who is handicapped. A recent government study found that many firms are not complying with this requirement and recommended strict enforcement mechanisms. In 1991 the Government legislated that new public buildings be made accessible to the physically handicapped. However, the great majority of existing buildings were constructed before that date, and it remains difficult or impossible for people using wheelchairs to enter them.

**GABON***People with Disabilities (p. 105)*

There are no laws prohibiting discrimination against persons with disabilities, and there are no laws providing for accessibility for the disabled. In August members of the National Association of Handicapped People in Gabon (ANPHG) staged a protest at the Presidential Palace, demanding accessible housing and revision of their social security benefits. In response to the ANPHG protests, the President's wife initiated a campaign to provide wheelchairs to the handicapped.

**GAMBIA***People with Disabilities (p. 110)*

There are no statutes or regulations currently in force requiring accessibility for the disabled.

**GEORGIA***People with Disabilities (p. 886)*

Statistics on the treatment of individuals with disabilities are unavailable. There is no legislative or otherwise mandated provision of accessibility for the disabled. The law on labor does include one section on people with disabilities, which includes the provision of numerous special discounts and favorable social policies for those with disabilities, especially disabled veterans. Severe discrimination against the disabled does not exist, though individual cases of discrimination probably do occur on a limited basis.

**GERMANY***People with Disabilities (pp. 895-896)*

According to German law, anyone who is physically or mentally disabled is entitled to seek help in order to avert, eliminate, or improve the disability, prevent a deterioration of the condition, or alleviate its consequences and to secure a place in society, particularly in the workplace, according to his or her abilities. Laws providing for the disabled are respected in practice. The German social system provides for medical treatment and therapy for the disabled, as well as sickness, maintenance, and disability allowances equal to 80 percent of lost normal income. The Government offers vocational training programs for the disabled as well as integration grants for employers who hire disabled individuals. Severely disabled persons may be granted special benefits, including tax breaks, free public transport, special parking facilities, and exemption from radio and television license fees.

The Federal Government has provided guidelines for "barrier-free" construction of public buildings, recommending the installation of wheelchair ramps, automatic and extra-wide doorways, suitable restroom areas, and the like. Federal authorities have also provided guidelines for city streets and sidewalks, suggesting that states mandate handicapped parking spaces in public lots, low curbs at crosswalks, and audio signals at crosswalk lights. While it is up to the individual states to incorporate these guidelines into state building codes, handicapped-access facilities are standard throughout Germany.

**GHANA***People with Disabilities (p. 117)*

The Constitution prohibits discrimination against the disabled. The Government has not enacted any legislation mandating accessibility for the disabled.

**GREECE***People with Disabilities (p. 908)*

Greece has specific legislation mandating hiring of disabled persons in public and private enterprises employing more than 50 persons. However, the law is inadequately enforced, particularly in the private sector. The law provides that disabled persons should comprise 3 percent of staff in private enterprises. In the civil service, 5 percent of administrative staff and 80 percent of telephone operator positions are reserved for disabled persons.

Physical access for disabled persons to all kinds of private and public buildings is provided by the construction code, but the law is poorly enforced. In 1993 the Government started replacing old city buses with new ones with stairs specially designed for the disabled.

Greece has special centers, both government-funded and privately funded, for handicapped and disabled children and adults, which provide education and training designed to help them achieve self-reliance and lead a full life in society. However, the number of such

centers as well as the total number of disabled persons in Greece is not available. The Ministry of Health, Welfare, and Social Security and children's rights advocacy groups cite statistics showing a 93-percent increase of budgetary funds for welfare during the 1990-92 period, a 53-percent increase in the number of disabled persons who attended vocational training programs, and a 28-percent increase in allowances to disabled persons

#### **GRENADA**

##### ***People with Disabilities (p. 447)***

Job-seekers with disabilities are discriminated against, except for those with unique and marketable skills. The National Council for the Disabled, which receives a small amount of financial assistance from the Government, was instrumental in placing visually impaired students into community schools, which in some cases previously were reluctant to accept them. There are no accessibility ramps into public buildings for persons using wheelchairs. The Council has lobbied Government to pass a law requiring such access, and the Government is studying draft legislation to that effect. The Grenada Society of the Blind sponsors a retail outlet for wicker and handicraft items produced by disabled individuals.

#### **GUATEMALA**

##### ***People with Disabilities (p. 456)***

The Constitution provides that the State should protect disabled persons. Nonetheless, physically disabled persons are discriminated against in employment practices, and few resources are devoted to combat this problem or otherwise to assist people with disabilities. There is no legislation mandating accessibility for the disabled.

#### **GUINEA**

##### ***People with Disabilities (p. 123)***

The Constitution declares that all persons are equal before the law. There are no special constitutional provisions for the disabled. The Government has not mandated accessibility for the disabled.

#### **GUINEA BISSAU**

##### ***People with Disabilities (p. 127)***

The law does not specifically prohibit discrimination against people with disabilities, and in practice persons with disabilities have unequal access to employment and education. The State has made some efforts to assist disabled veterans through pension programs, but these programs do not adequately address veterans' health, housing, and nutritional needs. There is no legislation mandating accessibility.

**GUYANA***People with Disabilities (p. 465)*

Guyana has several special schools and training centers for the disabled, but like the rest of the educational system these are understaffed and in severe disrepair. The disabled generally are considered unemployable because of the lack of appropriate infrastructure to provide accessibility in both public and private facilities. There is no law mandating provision of access for people with disabilities.

**HAITI***People with Disabilities (p. 473)*

There is no overt ill-treatment of people with disabilities, but given the desperate poverty in which the vast majority of Haitians live, those with disabilities face a particularly harsh existence. There are no laws mandating provision of access for people with disabilities.

**HONDURAS***People with Disabilities (p. 481)*

There are no formal barriers to participation by disabled persons in terms of employment, education, and health care, but neither is there specific statutory protection for them. There is no legislation that requires accessibility for the disabled.

**HONG KONG***People with Disabilities (p. 1132)*

Organizations and individuals representing the interests of the disabled claim that discrimination against the physically and mentally disabled exists in employment, education, and the provision of some state services. Access to public buildings and transportation remain problems for the physically impaired. Advocate groups have urged the Government to do more to encourage greater public tolerance of the mentally disabled. Harassment of and discrimination against families with mentally disabled children, for example, have occurred in some housing projects. There also has been criticism that mentally disabled children are not allowed opportunities to "mainstream" into public school programs. The Government is generally receptive and sympathetic to these concerns; it encourages greater employment for the disabled and seeks improved access to public facilities for those physically impaired. However, there is as yet no law mandating accessibility provisions for disabled persons.

**HUNGARY***People with Disabilities (p. 916)*

Services to the disabled are still limited, and many buildings are not accessible to wheelchair. MTV does have close captioning on some programs, and there are programs that address issues of interest to the disabled.



**ICELAND***People with Disabilities (p. 920)*

Disabled individuals are not subject to discrimination in employment, education, or provision of other state services. The Government has legislated accessibility to public buildings for the disabled.

**INDIA***People with Disabilities (p. 1352)*

India has a long history of concern for its disabled. The country's first NGO dedicated to rehabilitation of the blind was created nearly a century ago. With over 12 million Indians suffering from physical disabilities, according to the Government, demand for services often exceeds supply.

The Government's Ministry of Welfare has principal responsibility for programs for the disabled and targets comprehensive rehabilitation services to India's rural population through 16 district centers. A national rehabilitation plan commits the Government to putting a rehabilitation center in each of India's more than 400 districts, but services are now concentrated in urban areas. The Government reserves 3 percent of positions in official offices and parastatal enterprises for people with visual, hearing, or orthopedic disabilities. Other support programs include: special railway fares; assistance for purchase and fitting of aids and appliances; customs exemptions under bilateral agreements for donated rehabilitation supplies; education allowances; and scholarships. The Welfare Ministry also provides substantial funding to several hundred NGO's involved in rehabilitation and training of special educators.

National education policy emphasizes the mainstreaming of handicapped children and stipulates that all educational and vocational programs must provide for the special needs of people with disabilities. The Department of Education provides funding to state governments and NGO's to install necessary facilities. Although the Government is developing legislation modeled on the Americans with Disabilities Act, there is currently no requirement for provision of accessibility for the disabled.

**INDONESIA***People with Disabilities (pp. 648-649)*

The disabled in Indonesia do not receive special programs or attention, and no national law specifically addresses their status. Virtually no public buildings or public means of transport are designed specifically for access by the handicapped, and the handicapped face considerable discrimination in employment and education. The press, for example, reported in 1993 the case of a university student confined to a wheelchair who was told in the fourth year of a 5-year biology degree that she would not be permitted to complete her course of study because university rules forbade the admission of handicapped students in her department. Public outcry and debate of the issue was significant; she was permitted to obtain her degree, and issues of

the handicapped received considerable public discussion. A 1992 traffic law implemented in 1993 notes specifically the right of the handicapped to special transportation services such as specifically designed tools and facilities, special regulations for obtaining drivers' licenses, and appropriate vehicles.

## **IRAN**

### ***People with Disabilities (p. 1182)***

There is no information available on government policy with respect to people with disabilities.

## **IRAQ**

### ***People with Disabilities (pp. 1193)***

No information is available on the Government's efforts to assist people with disabilities or to indicate whether it has enacted legislation or otherwise mandated provision of accessibility for the disabled.

## **IRELAND**

### ***People with Disabilities (p. 925)***

Few public or private buildings have facilities for the disabled. Public transport has none. The Dublin Bus Company plans to begin using five "low-bottom" buses in January 1994 as a first step in accommodating the disabled.

## **ISRAEL**

### ***People with Disabilities (p. 1199)***

The Government provides a range of benefits, including income maintenance, housing subsidies, and transportation support, for the approximately 10 percent of the Israeli population who have disabilities. While the law provides for equal treatment of disabled persons, advocacy groups report continued difficulties with enforcement in the areas of employment and housing. The law also requires public buildings to provide complete access for disabled persons, but it is not widely enforced. There is no law providing for access to public transportation.

## **ITALY**

### ***People with Disabilities (p. 932)***

There are no restrictions on employment of physically disabled persons in Italy, and since 1968 employers employing 35 or more persons have been required, with limited exemptions, to staff 15 percent of their work force with disabled persons. In practice, however, only about 4 percent of the work force in these firms are disabled. A comprehensive framework law was adopted in 1992 covering assistance, social integration, and rights of handicapped persons. The

Labor Inspectorate of the Ministry of Labor enforces this law; employers who do not obey the law are fined and obliged to comply; repeat offenders receive higher penalties.

Protection against discrimination in education has been guaranteed at all levels since 1977, and this was successfully defended in the courts in 1987. The 1992 Law on the Rights of Handicapped Persons reinforced this guarantee. A 1971 law calls for physical accessibility for the disabled to public buildings; compliance in schools and other public buildings is thus far not universal.

#### **JAMAICA**

*People with Disabilities (p. 488)*

There are no formal barriers to participation by disabled persons in terms of employment, education, and health care, but neither is there specific statutory protection for them. There is no legislation that requires accessibility for the disabled.

#### **JAPAN**

*People with Disabilities (p. 658)*

Japan has no national law protecting the rights of the disabled, including access, but some prefectures and cities have enacted their own legislation addressing the issue.

#### **JORDAN**

*People with Disabilities (p. 1222)*

The Government passed legislation in March regarding education and employment opportunities as well as standardized building and access codes for the disabled. The legislation, known as Law Number 12 for 1993, includes a comprehensive code for all future public buildings to accommodate the needs of the visually, hearing, and physically disabled through standardized technical building and infrastructure requirements. The code stipulates that existing public structures undergo retrofitting to conform to the code, although no specific deadlines for these adjustments were legislated. The law for the welfare of the disabled includes a "bill of rights" for the disabled and mandates the creation of a National Council for the Affairs of the Disabled. People with disabilities in Jordan face the problems of the disabled in many developing nations: severe financial constraints on government and private programs for the disabled, traditional attitudes of discrimination against people with physical and mental handicaps, and unemployment rates among the general population that restrict employment opportunities for the disabled. Currently there is no budget for programs for the disabled: all funding for government and private projects comes from private and nongovernmental organization donations as well as donations from the royal family. Several private nonprofit organizations concerned with education and rehabilitation of the disabled have been active in Jordan for many years.

**KAZAKHSTAN***People with Disabilities (p. 939)*

According to the Constitution, citizens with disabilities are entitled to assistance from the State. As a result of inflation, people relying only on state disability benefits experience severe economic hardship. There is no legal discrimination against people with disabilities, but in practice employers do not give them equal consideration. The Government has not legislated or otherwise mandated accessibility for the disabled.

**KENYA***People with Disabilities (p. 140)*

Government policy does not discriminate against people with disabilities in employment, education, or other state services. There is no mandated provision of accessibility for the disabled, however. In late 1993, the Attorney General appointed a task force to investigate claims of discrimination and to propose new legislation protecting the rights of the disabled. The commission is expected to complete its work early in 1994.

**KIRIBATI***People with Disabilities (p. 659)*

There is no evidence or complaint of discrimination in employment, education, or provision of other state services. Accessibility for the disabled has not been mandated.

**KOREA, NORTH***People with Disabilities (p. 665)*

Traditional social norms condone discrimination against the physically handicapped. Handicapped persons, other than war veterans, are reportedly not allowed within the city limits of Pyongyang. According to one credible report, authorities check every 2 to 3 years in the capital for persons with deformities, including dwarfs, and relocate them to special facilities in the countryside. There are no legally mandated provisions for accessibility for the disabled.

**KOREA, SOUTH***People with Disabilities (p. 674)*

As Korea continues to develop economically, socially, and politically, community and social organizations have started to focus attention on the issue of the rights and treatment of handicapped and mentally ill or retarded people. Although there are public displays of concern for the mentally and physically disabled, such as the Special Olympics and television documentaries, public facilities for their everyday care and use remained inadequate and their general treatment by society discriminatory. The Government lacked adequate educational programs and schools for severely disabled people. The Government did not discriminate officially against the disabled who were capable of attending regular schools, but societal

pressures and cultural biases have a strong negative impact on that access. The Government has not enacted legislation or otherwise mandated accessibility for the disabled.

#### **KUWAIT**

##### ***People with Disabilities (p. 1233)***

No institutionalized discrimination exists against physically disabled persons in housing, employment, education, and provision of state services.

While the Government has not legislated or otherwise mandated accessibility for the disabled, Kuwaitis show a high degree of concern about the problems facing people with disabilities. A Committee for Disabled People exists as part of the Ministry of Social Affairs and Labor, the Ministry which serves as the regulatory agency for such issues. The Ministry of Social Affairs and Labor also provides extensive benefit programs covering transportation, job training, and social welfare for the disabled. Although not required to do so by law, almost all grocery stores have designated special parking spaces for the disabled.

A government rehabilitation center exists, as does a private society for handicapped children.

#### **KYRGYZ REPUBLIC**

##### ***People with Disabilities (p. 946)***

Handicapped persons are not openly discriminated against, but the current harsh economic conditions limit the Government's ability to provide equal opportunity for individuals with handicaps. Parliament in April 1991 adopted the Law on Social Protection of the Disabled, which provides for accessibility for the handicapped, but lack of funds makes implementation of this law a low priority.

#### **LAOS**

##### ***People with Disabilities (p. 682)***

There is no outright discrimination against people with disabilities. Neither is there any government assistance, save for casualties of the revolutionary war that brought the Government to power. Typically, the family and the community take responsibility for the disabled. Unless severely disabled, such children attend public schools despite the absence of special facilities for them. Provision of accessibility for disabled persons has not been mandated legislatively or otherwise.

#### **LATVIA**

##### ***People with Disabilities (p. 951)***

Latvia does not have a law banning discrimination against the disabled. The Government supports special schools for disabled persons. A law requiring buildings to be accessible to



wheelchairs took effect on January 1, 1993. Most buildings, however, are not accessible to wheelchairs.

## **LEBANON**

### ***People with Disabilities (p. 1243)***

Over 100,000 people were handicapped during the civil war. This traditional society has tended to neglect the disabled and handicapped, and the concept of rights for the disabled is a novelty for it. Most efforts to secure education, independence, health, and shelter for the disabled were made by private institutions dealing with the handicapped, of which there are more than 100 throughout the country. In the aftermath of the war, the issue of rights for the disabled has gained the Government's attention, and in late 1992 a minister was given responsibility for handicapped affairs, although he lacked a ministry and financial resources. Parliament amended a 1973 law on the disabled, with a view to eliminating all obstacles that block equal treatment for the disabled. Even rudimentary needs remain unmet, however. Lebanon's heavily damaged cities make no accommodation to the disabled, and building codes still have no requirements to ease access. Facilities for the disabled in most instances are inadequately funded by the Government and various religious institutions, and other charities which run them. In this area as in others, the level of public philanthropy is low.

## **LESOTHO**

### ***People with Disabilities (p. 146)***

The Government has not legislated or mandated physical accessibility to public buildings for the handicapped.

## **LIBERIA**

### ***People with Disabilities (p. 157)***

The protracted civil war has produced a large number of persons with permanent injuries in addition to persons disabled from other causes. There was no de jure discrimination against the disabled. However, in practice the disabled did not enjoy equal access to education, employment, and already scant social services. Cultural norms also adversely affected attitudes toward the disabled population. None of the rival administrations places a high priority on care for the disabled, and there are no accessibility laws on the books. Some NGO and U.N. programs in Monrovia were dedicated to rehabilitating and assisting war-wounded and otherwise disabled persons.

## **LIBYA**

### ***People with Disabilities (p. 1248)***

No information is available on the Government's efforts to assist people with disabilities or to indicate whether it has enacted legislation or otherwise mandated provision of accessibility for the disabled.

**LIECHTENSTEIN*****People with Disabilities (p. 954)***

Liechtenstein has not legislated accessibility for the disabled. Government programs to provide supplemental financial support for disabled persons are being revised. An organization dedicated to promoting the interests and rights of the disabled works together with international disabled rights organizations.

**LITHUANIA*****People with Disabilities (p. 960)***

A law on integrating disabled people, passed in 1991, provided for a broad category of rights and government benefits to which disabled people are theoretically entitled. A number of government agencies or government-supported public bodies are engaged in protecting the rights and defending the interests of the disabled, who number over 300,000, according to official statistics. The Hope Society promotes public awareness of the problems of disabled children through the mass media and raises funds to support the treatment and care of disabled children.

**LUXEMBOURG*****People with Disabilities (pp. 963-964)***

Luxembourg's national programs for the disabled are coordinated by the Ministry of the Family. Job placement and professional education assistance is provided by the Government. Disabled workers apply for positions through the Employment Administration. Businesses and enterprises with at least 25 employees must hire qualified disabled workers if they apply and must pay them prevailing wages. Employers who do not adhere to these quotas, which are determined by the size of the employer's work force, are subject to monthly fines equivalent to half of a disabled worker's monthly salary. There is no record of complaints of noncompliance.

National legislation does not directly mandate accessibility for the disabled, but builders receive subsidies to construct "disabled friendly" structures. The Ministry aims to expand access to public buildings, priority parking, housing, and schools.

**MACAU*****People with Disabilities (p. 1012)***

The extent to which physically disabled persons are discriminated against in employment, education, and the provision of state services is not known. There does not appear to be much governmental concern about the subject, and there is little funding for special programs aimed at helping the physically and mentally disabled gain better access to employment, education, and public facilities. Accessibility for the disabled has not been mandated legislatively or otherwise.

**MACEDONIA*****People with Disabilities (p. 970)***

Social programs to meet the needs of the disabled exist in Macedonia to the extent that government resources allow. Discrimination on the basis of disability is illegal. So far as is known, there is no law or regulation mandating accessibility for disabled persons.

**MADAGASCAR*****People with Disabilities (p. 163)***

Physically disabled individuals are not subject to discrimination in education and in the provision of other state services, but nor are they the beneficiaries of special enabling or protecting legislation. The Government has not enacted legislation or otherwise provided for accessibility for the disabled.

**MALAWI*****People with Disabilities (p. 170)***

The Government has not mandated accessibility to public buildings for the disabled, but it does help and support them. Self-supporting businesses, run by and for the disabled, operate successfully in Malawi. Special schools and training centers target individuals with disabilities.

**MALAYSIA*****People with Disabilities (p. 690)***

While physically disabled persons are not subject to legal discrimination in employment, education, and provision of other state services, governmental budgetary allotments for people with disabilities are very small. Public transportation is not adapted to the needs of the disabled. Special education schools exist, but they are not sufficient to meet needs. Disabled persons work in all sectors of the economy, but the prevalent feeling in society remains that disabled people cannot work. A campaign through the government-dominated Malaysian news media encouraged businesses and private individuals to increase their understanding and volunteer activities to assist disabled people. The Government allocates money for the administrative expenses of rehabilitation centers for the handicapped across Malaysia. The Government has not mandated accessibility for the disabled, either legislatively or otherwise.

**MALDIVES*****People with Disabilities (p. 1359)***

There is no legislation in Maldives that specifically addresses the rights of the physically or mentally disabled. The Government has, however, played an active role in the protection and rehabilitation of the disabled. There is a government institution for treatment of the mentally handicapped. The Ministry of Health and Welfare arranges for treatment abroad for physically disabled persons who need specialist care and for visits to Maldives by specialists to treat both

the mentally and physically disabled. The Government also provides a monthly allowance for the blind and makes items such as wheelchairs, crutches, and eyeglasses available to those who cannot afford them. The Government has not legislated or otherwise mandated accessibility for the disabled.

#### **MALI**

##### ***People with Disabilities (p. 176)***

There is no specific legislation protecting the rights of the physically disabled or mentally handicapped, including on accessibility. The physically disabled are not discriminated against in access to employment, education, and other state services. Given the high unemployment rates, however, the physically disabled are often unable to find work.

#### **MALTA**

##### ***People with Disabilities (p. 974)***

Numerous pieces of legislation exist to protect the rights of the disabled, including the 1969 Employment of Disabled Persons Act which ensures employment opportunities for the disabled. The 1992 Structure Plan set forth policies requiring accessibility to buildings and public transport. Basic educational and training programs for persons with physical or mental disabilities are available.

#### **MARSHALL ISLANDS**

##### ***People with Disabilities (p. 695)***

There is no legislation specifically prohibiting discrimination based on disability. There are no building codes, and, therefore, no legislation requiring access for the disabled. There have been no reported instances of discrimination against the disabled.

#### **MAURITANIA**

##### ***People with Disabilities (p. 184)***

The Government has no legislation or regulations providing preference in employment or education for disabled persons, and has been able to afford only limited facilities easing access for the disabled. There is no legislation mandating accessibility.

#### **MAURITIUS**

##### ***People with Disabilities (p. 188)***

Mauritian law requires organizations that employ more than 10 persons to set aside at least 3% of their positions for people with disabilities. The law does not, however, mandate that worksites be accessible to the disabled. Several nongovernmental organizations have expressed concern about this lack of accessibility, which makes it impossible for people with disabilities to fill many jobs.

**MEXICO*****People With Disabilities (p. 498)***

Disabled access to buildings and other facilities is seldom seen in Mexico and not required by law outside Mexico City, where it was recently mandated. Special education for the disabled is not widely available. Handicapped persons hold prominent positions in political parties and in the workplace but do not appear to receive any special assistance by law or in fact.

**MICRONESIA*****People with Disabilities (p. 697)***

There is no de jure discrimination against the physically disabled. There are neither laws nor regulations mandating accessibility for the disabled. FSM schools have established special education classes to address problems encountered by those who exhibit learning disabilities.

**MOLDOVA*****People with Disabilities (p. 980)***

While there is no legal discrimination against people with disabilities, there are no laws providing for accessibility for them, and there are few government resources devoted to training people with disabilities. The Government does provide tax advantages to charitable groups that assist the disabled.

**MONACO*****People with Disabilities (p. 983)***

The Government has mandated that public buildings provide for access by the disabled.

**MONGOLIA*****People with Disabilities (p. 701)***

People with disabilities have formed several groups to represent their interests. Under present law, government benefits vary according to the degree of disability. Those who have been disabled in industrial accidents have the right to be reemployed when ready to resume work. The Government also provides tax benefits to enterprises which employ the disabled and some firms do so exclusively. No legislation mandates access for the handicapped.

**MOROCCO*****People with Disabilities (p. 1249)***

A high incidence of disabling disease, especially polio, has produced a large population of disabled persons in Morocco. While the Ministry of Social Affairs contends that the Government endeavors to integrate the disabled into society, this in practice is left largely to



private charities. However, charitable special education schools are priced beyond the reach of most families. Most typically, disabled persons survive by begging. The Government recently initiated a pilot training program for the blind. There are no laws guaranteeing access for the disabled.

## **MOZAMBIQUE**

### ***People with Disabilities (p. 196)***

Although the Constitution expressly states that "disabled citizens shall enjoy fully the rights enshrined in the Constitution," reality often falls short of this ideal. In 1991 ADEMO (see Section 4) was created to address the social and economic needs of the disabled. ADEMO provides training, raises public awareness of the need fully to integrate the disabled into society, and lobbies the Ministry of Labor to initiate legislation to support the working rights of the disabled. The Government has not legislated or otherwise mandated access for the disabled to public buildings. No special access facilities exist.

## **NAMIBIA**

### ***People with Disabilities (p. 202)***

There were no reports of official discrimination on the basis of disability. With limited financial resources, the Government attempted to provide the disabled with treatment and education. Several local NGO's also were active in helping the disabled to become more socially and economically self-sufficient. Although the Government did not require special access to public buildings for the disabled, some municipal governments, including those of Windhoek and Swakopmund, have installed ramps and special curbing at street crossings for the disabled.

## **NAURU**

### ***People with Disabilities (p. 705)***

There is no reported discrimination against persons with disabilities in employment, education, and provision of state services. There is, however, no legislation or mandated provisions of accessibility for the disabled.

## **NEPAL**

### ***People with Disabilities (p. 1360)***

Persons who are physically disabled normally rely on family members to assist them. There are no government programs specifically designed to deal with the problems faced by disabled persons, nor has legislation been enacted to mandate accessibility for the disabled to public buildings.

**NETHERLANDS***People with Disabilities (p. 988)*

The Netherlands has made an effort to ensure that the needs of disabled people are met. The government-funded programs for the disabled included subsidies to adapt housing and public transportation, day activity centers, and incentives to employers to hire people with disabilities. Local governments are increasingly mandating access to public buildings for the disabled.

**NEW ZEALAND***People with Disabilities (p. 708)*

Increasing popular attention to the problems faced by the disabled has led the Government to act to remove, to the fullest extent practical, impediments to their living normal lives. In 1991-92, the Government created the Office of Disability Support Services to coordinate disability programs. The Human Rights Act of 1993 prohibits discrimination in employment, education, access to public places, provision of goods and services, housing and accommodation on the grounds of physical, and intellectual or psychological disability or impairment.

**NICARAGUA***People with Disabilities (p. 511)*

The Government has not legislated or otherwise mandated accessibility for the disabled. Despite the visible presence of many disabled veterans of the civil war, there was no attempt to assist the disabled, nor public calls to do so, in 1993.

**NIGER***People with Disabilities (p. 211)*

The Constitution charges the State with responsibility for the handicapped. In the formal economy, the handicapped (except occasionally those crippled by polio) are rarely employed. The education of those with special needs is beyond the means of an underfunded educational system. There is neither legislation mandating accessibility for the disabled nor the financial means to implement such regulations.

**NIGERIA***People with Disabilities (pp. 223-224)*

The Government called for private businesses to institute policies ensuring fair treatment for the 2 percent of the work force that it claims is disabled. It has not, however, enacted any laws nor formulated any policy which specifically ensures the right of the disabled to work, nor has it mandated what action should be taken if employers discriminate against the disabled.

While there is nothing which would indicate systematic discrimination against the disabled, disabled workers must compete in an economy in which many nondisabled are

unemployed and underemployed. In addition, Nigeria's poor infrastructure makes it difficult for the disabled to get to work, making them less attractive to employers. Few office buildings have access ramps for wheelchairs, and many have elevators that work sporadically, if at all. Public transportation, when and where available, is not equipped to handle wheelchairs.

While the Government appears desirous of providing education for all handicapped children and adults, Nigeria's economic crisis and lack of adequate infrastructure make it difficult to allocate sufficient resources to meet the disabled population's needs.

## **NORWAY**

### ***People with Disabilities (p. 992)***

The physically disabled are fully integrated into social, economic and political life, and are provided full health care and other social benefits. They are not discriminated against in employment, education or the provision of any state service. Accessibility is mandated in new construction. In existing buildings, accessibility is mandated if the building is refitted for new uses.

## **OCCUPIED TERRITORIES**

### ***People with Disabilities (p. 1214)***

There is no mandated provision of accessibility for the disabled in the occupied territories. While some Palestinian institutions for the care and training of disabled persons exist, they generally suffer from chronic underfunding. This sector has received little attention from Israel.

## **OMAN**

### ***People with Disabilities (p. 1267)***

The Government has taken some steps to address the public access needs of the handicapped, although compliance has been voluntary and not mandatory. There are handicapped parking spaces and some ramps for wheelchair access in front of private and government office buildings and shopping centers. In October the Government sponsored a handicapped awareness week to increase public knowledge of the problems facing the handicapped. The Government has established a few handicapped centers for children in Muscat and outlying regions. There are a few voluntary associations in Muscat which help people with disabilities, particularly handicapped children. Handicapped people, including the blind, work in government offices. Disabled students in wheelchairs successfully attend Sultan Qaboos University. The free medical assistance offered to all Omanis includes physical therapy for the handicapped.

**PAKISTAN***People with Disabilities (p. 1383)*

Pakistan has no laws requiring equal accessibility to public buildings for disabled persons.

According to a 1987 government study, more than 10,000 disabled children were enrolled in the 158 special education centers administered by the Government and nongovernmental organizations. This represented about 1.7 percent of the estimated population of disabled children in Pakistan. Pakistan law reserves 1 percent of public sector jobs for disabled persons, although human rights monitors say this quota has never been met. The caretaker government of Prime Minister Qureshi announced in September that the quota would be raised to 2 percent.

**PANAMA***People with Disabilities (p. 519)*

Panama has a number of private organizations to assist people with disabilities, the largest of which is the National Association of Disabled People, founded in 1985. The Ministry of Labor's Department for Disabled Workers, created in 1980, is responsible for placing qualified disabled workers with employers. In 1993 the Department was in charge of implementing a June executive order which provided employers with monetary incentives for hiring people with disabilities, as well as an International Labor Organization (ILO) project to provide financial assistance to disabled people who wish to start small businesses. Although some public buildings and retail stores have access ramps for disabled people, no law or regulation compels the use of ramps or other easy-access features in public or private buildings.

**PAPUA NEW GUINEA***People with Disabilities (p. 714)*

Through the National Board for the Disabled, the Government provides limited funding for the disabled to approximately 14 nongovernmental organizations which provide services. The Government does not provide programs or services directly. Services and health care for the disabled, except for that provided by the traditional family and clan system, do not exist in several of the country's provinces. No legislation mandates accessibility for the disabled.

**PARAGUAY***People with Disabilities (p. 527)*

The Constitution guarantees equal opportunity to people with disabilities and mandates that the State provide the disabled with health care, education, recreation, and professional training. It further requires that the State formulate a policy for the treatment, rehabilitation, and integration into society of people with disabilities. Legislation establishing such programs, however, has never been enacted. Many people with disabilities face significant discrimination in employment; others are unable to seek employment because of a lack of accessible public transportation. Other than the constitutional provisions establishing equal opportunity,

accessibility for the disabled has not been mandated by law; the vast majority of the nation's buildings, both public and private, are inaccessible to people with disabilities.

## PERU

### *People with Disabilities (p. 540)*

Although the 1993 Constitution states that disabled persons "have the right to respect of their dignity and to a regime of protection, attention, readaptation, and security," the Government spends relatively little on assisting the handicapped or preventing discrimination against them. There is little public infrastructure with facilities for people with disabilities, such as wheelchair ramps on streets or in buildings, and no law mandating provision of access for them. Disabled persons face discrimination when seeking employment; Lima's streets are often the scene of both physically and mentally handicapped people seeking alms. The government-owned television station is the only one that broadcasts a news program with a sign language interpreter each evening. The number of disabled persons increased dramatically as a result of injuries during the guerrilla war.

## PHILIPPINES

### *People with Disabilities (p. 723)*

A 1983 law provides for equal physical access for the disabled to all public buildings and establishments and a law passed in 1992, provides for "the rehabilitation, self-development, and self-reliance of disabled persons and their integration into the mainstream of society". It is intended to protect the disabled from discrimination and to provide them health and social services. Advocates of the handicapped maintain that these laws have not been enforced fully, citing inadequate government funding, widespread evasion, and lingering prejudice against the handicapped among many Filipinos. Under the Aquino administration, one of the appointed sectoral seats in the House of Representatives was filled by a disabled person tasked to represent the concerns of the disabled. President Ramos has not appointed anyone to such a position.

Advocates of the disabled welcome increased efforts by the Government to immunize children and improve their primary health care, which will help to decrease the number of disabled in the future. In early 1993, the government launched an immunization campaign which included a program to eliminate polio by the end of the decade.

## POLAND

### *People with Disabilities (p. 1002)*

Poland has no laws guaranteeing rights for the disabled. Neither buildings nor public transportation are generally accessible to the handicapped.



**PORTUGAL***People with Disabilities (p. 1008)*

While there have been no reported allegations of discrimination against persons with disabilities in the areas of employment or provision of state services, handicapped individuals consider there is much room for improvement. Legislation mandates access to public facilities for persons with disabilities, and it is generally complied with. No such legislation covers private businesses or other facilities. While there is no legislation prohibiting discrimination against persons with disabilities, the Portuguese Government has issued administrative decrees and regulations to that effect.

**QATAR***People with Disabilities (pp. 1272-1273)*

The Government has not enacted legislation or otherwise mandated provision of accessibility for the handicapped, who also face social discrimination. However, the Government maintains a hospital and schools that provide free services to the mentally and physically handicapped.

**ROMANIA***People with Disabilities (p. 1021)*

Postrevolutionary Romania inherited a legacy of neglect of the severely handicapped population, both children and adults. To redress the situation, the Government set up special programs for the handicapped, including vocational training and special schools for handicapped children. In addition, handicapped children are now given precedence in foreign adoption placements. The law does not mandate accessibility for the disabled.

**RUSSIA***People with Disabilities (p. 1032)*

The new Constitution stipulates that all persons are equal before the law. It does not contain any specific prohibitions directed at discrimination against disabled persons. There is no known specific legislation that mandates accessibility for people with disabilities.

**RWANDA***People with Disabilities (p. 233)*

There are no laws restricting people with disabilities from employment, education, or other state services, but in practice, few handicapped persons have had access to education and thus to employment. Nor are there any laws or provisions to assure access of the disabled to public premises. The number of handicapped is increasing among both civilians and military injured in bomb, landmine, and grenade incidents associated with the war or armed assaults.

The military is in the process of training war-wounded soldiers for productive employment within or outside the military.

#### **SAHARA, WESTERN**

*People with Disabilities (pp. 1260-1262)*

No entry.

#### **SAMOA, WESTERN**

*People with Disabilities (p. 767)*

There is no legislation pertaining to the status of handicapped or disabled persons in Western Samoa. There are also no laws regarding accessibility for the disabled. Both custom and practice permit such persons to play a role in society commensurate with their abilities. Samoan tradition dictates that handicapped persons be cared for by their family, and this custom is widely observed in practice.

#### **SAN MARINO**

*People With Disabilities (p. 1037)*

In 1990 the Parliament issued a general law to safeguard the rights and promote the social integration of disabled people, requiring Parliament to prepare legislation on a list of specific issues. In May 1991, the GGC passed legislation regulating and encouraging the hiring of people with disabilities. A bill passed in September 1992 established a 2-year period to review architectural barriers to the handicapped in existing buildings and required that all new buildings have no such barriers.

#### **SAO TOME AND PRINCIPE**

*People with Disabilities (p. 238)*

There is no officially sanctioned discrimination against physically handicapped individuals. As far as known, there is no law specifically mandating accessibility to buildings for the disabled.

#### **SAUDI ARABIA**

*People with Disabilities (p. 1282)*

The Saudi Government and charitable organizations cooperate to provide education, employment opportunities, and other needed services for the disabled. While there is no legislation or otherwise mandated provision of accessibility for the disabled, new construction for public and business uses often includes access for them.

**SENEGAL*****People with Disabilities (p. 245)***

There is no overt discrimination against the handicapped. In practice, persons with physical disabilities are unable to participate in almost all mainstream occupations due to physical barriers and lack of equipment that would make such participation possible. There are no laws or regulations that mandate accessibility.

**SERBIA - MONTENEGRO*****People with Disabilities (p. 1049)***

There is no formal legislation to guarantee equal rights for the disabled. Attempts to introduce legislation have failed. An opposition party is lobbying to broaden existing legislation to provide equal rights for the disabled. Public buildings are required to provide access for the disabled, but it is only recommended that private buildings provide such access.

**SEYCHELLES*****People with Disabilities (p. 250)***

People with disabilities are not discriminated against either de facto or de jure in housing, jobs, or education. There is no legislation guaranteeing universal access to public buildings.

**SIERRA LEONE*****People with Disabilities (p. 257)***

Questions of public facility access or discrimination against the disabled have not become public policy issues. There are no laws that mandate accessibility to buildings or provide for other assistance for the handicapped. There does not appear to be discrimination against the handicapped in housing or education, but, with the high rate of unemployment, few handicapped people are found working in offices or factories. The difficulty the handicapped face in finding employment places many facilities and services beyond their financial means.

**SINGAPORE*****People with Disabilities (p. 732)***

The Government implemented a comprehensive code on barrier-free accessibility in 1990 which established standards for facilities for the physically disabled in all new buildings and mandated the progressive upgrading of older structures. Although there is no legislation that addresses the issue of equal opportunities for the disabled in education or employment, the National Council of Social Services, in conjunction with various voluntary associations, provides an extensive job training and placement program for the disabled. Informal provisions in education have permitted university matriculation for visually handicapped, deaf, and physically disabled students. The Government allows the equivalent of a \$2,000 tax deduction for families with a disabled person.

**SLOVAK REPUBLIC***People with Disabilities (p. 1057)*

There does not appear to be a body of legislation that directly addresses the rights of the disabled. Discrimination against the disabled, however, has not been a subject of significant policy or public debate. Citizen's groups have started activities to raise the profile of the issue and to advocate a more systematic approach.

**SLOVENIA***People with Disabilities (p. 1061)*

Slovenia has taken steps to provide access to social and economic opportunities for the disabled, for whom the Constitution guarantees security and training for work. The law mandates access to public facilities for disabled persons.

**SOLOMON ISLANDS***People with Disabilities (pp. 735-736)*

There is no law or any national policy on the disabled, and no legislation mandates access for the disabled. Protection and care of the disabled is left to the traditional extended family and nongovernmental organizations. Informally, the disabled in urban areas frequently find work through the public service sector. However, with high unemployment countrywide and few jobs available in the formal sector, most disabled persons, particularly those in rural areas, do not find work outside the family structure.

**SOMALIA***People with Disabilities (p. 263)*

No reliable information was available on this topic.

**SOUTH AFRICA***People with Disabilities (p. 274)*

South Africa has begun to move from a "medical-welfare" conception of disability to one of civil rights and self-empowerment.

The participants in the multiparty negotiations included disability as a basis for nondiscrimination, along with race, gender, ethnic origin, color, sexual orientation, age, religion, conscience, creed, culture or language. In preparation for the 1994 election, Lawyers for Human Rights and Disabled People South Africa made representations to the Government on such issues as ensuring that polling stations will be architecturally accessible to wheelchair-using voters and that blind voters are able to cast a secret ballot.

In 1991 Lawyers for Human Rights, a leading organization fighting prejudice and discrimination, established a disability rights unit. This unit has intervened in some 50 legal cases and represented numerous disabled people less formally in their dealings with the bureaucracy. The majority of these cases involved either arbitrary determinations of ineligibility for social assistance benefits or employer decisions denying equal work opportunities on the basis of disability.

In 1986 architectural requirements were incorporated into the National Building Code to ensure equal access to public buildings for the physically disabled. However, these were rarely enforced and, until recently, public awareness of them was virtually nonexistent.

## **SPAIN**

### ***People with Disabilities (p. 1066)***

Since 1982 a law for the integration of disabled citizens has been in effect. It aims at ensuring fair access to public employment, preventing disability, and facilitating physical accessibility for the disabled. The law has had a dramatic effect in such key areas as providing access for the handicapped to public buildings and ensuring them parking areas, although it did not require physical accessibility. In 1993 the Autonomous Community in Madrid passed local legislation requiring that all new construction be adapted to the needs of the handicapped.

## **SRI LANKA**

### ***People with Disabilities (p. 1395)***

The unique problems faced by the disabled in Sri Lanka have yet to become an issue of public-policy debate. Most disabled people who are unable to work are cared for by their families; those whose families are unable to care for them often resort to begging on the streets. There are no laws mandating accessibility for the disabled.

## **ST. KITTS AND NEVIS**

### ***People with Disabilities (p. 544)***

Although there is no legislation to protect the disabled or to mandate accessibility for them, the Government and the Constitution prohibit discrimination in employment, education, and other state services.

## **ST. LUCIA**

### ***People with Disabilities (p. 547)***

Awareness of the rights of the disabled has risen in recent years, but representatives of the National Council for the Disabled say that public education should be increased. There is no specific legislation protecting the rights of disabled, but the Council is pressing for development of a bill that would increase educational opportunities and guarantee access to



public facilities for disabled people. There is no rehabilitation facility in St. Lucia, although the Ministry of Health operates a community-based rehabilitation program in people's homes.

## **ST. VINCENT & GRENADINES**

### ***People with Disabilities (p. 550)***

Fiscal considerations limit support for persons with disabilities. There is no specific legislation covering those with disabilities. Most severely handicapped people rarely leave their house because of the poor road system and lack of affordable wheelchairs. The Government partially supports a school for the disabled which has two branches. A separate, small rehabilitation center treats about five persons daily.

## **SUDAN**

### ***People with Disabilities (p. 285)***

The Government has not enacted any special legislation or taken other steps to mandate accessibility to public buildings for the disabled.

## **SURINAME**

### ***People with Disabilities (p. 555)***

In general, Surinamese society has not yet addressed the question of people with disabilities. There are some training programs for the blind and others with disabilities. However, there are no laws concerning access for disabled people and no provisions for making private or public buildings accessible to them. Neither are there laws mandating that they be given equal consideration when seeking jobs or housing.

## **SWAZILAND**

### ***People with Disabilities (p. 290)***

The Ministry of Home Affairs has called for equal treatment of the disabled, but no legislation prohibits discrimination against them. The Government has not legislated or mandated physical accessibility to public buildings for the handicapped.

## **SWEDEN**

### ***People with Disabilities (p. 1071)***

Disabled persons are provided with extra help to be able to live as normal a life as possible in their own homes, as well as assistance in pursuing a career or holding a job. Regulations for new buildings require that they be fully accessible. However, this requirement has not been extended to existing public buildings.

**SWITZERLAND***People with Disabilities (p. 1075)*

An umbrella organization representing most disabled persons' rights associations is active politically. It is particularly involved in issues concerning the transport and mobility of disabled persons. It advocates the revision of federal legislation on insurance for the disabled, urging better social integration and professional training for them. The organization also favors a federal antidiscrimination law. The Federal Government has advocated physical accessibility to public buildings for the disabled, but no legislation has been enacted.

**SYRIA***People with Disabilities (p. 1291)*

Syrian law is intended to assure the integration of handicapped persons into the public sector work force, although practical problems hinder its implementation. The Government has not enacted special legislation to benefit the disabled. However, it allows the disabled to import specially equipped cars with none of the normal vehicle import restrictions except the mandatory payment of customs fees.

**TADJIKISTAN***People with Disabilities (p. 1085)*

The Law on Social Protection of Invalids adopted on January 1, 1992, stipulates the rights of the disabled to employment and adequate medical care. However, employers are not required to provide physical access to the disabled. High unemployment and the absence of even basic technology to assist the disabled results, in practice, in widespread discrimination.

**TAIWAN***People with Disabilities (p. 628)*

According to official statistics, there are 230,000 disabled people in Taiwan. A leading expert in the field estimates, however, that the number is somewhere between 400,000 and 500,000 and could be as high as 700,000, one-third of whom are severely handicapped and receive shelter or nursing care from the authorities.

Taiwan's Disabled Welfare Law was revised and strengthened in 1990. It prohibits discrimination against the disabled and sets minimum fines at approximately \$2,239 for violators. New public buildings, facilities, and transportation equipment must be accessible to the handicapped. Existing public buildings are to be brought into conformity by 1995. The law requires larger government and private organizations to hire, respectively, 2 and 1 percent disabled persons. Organizations failing to do so are required to pay, for each disabled person not hired, the basic monthly salary (approximately \$455) into the Disabled Welfare Fund, which supports institutions involved in welfare for the disabled. Specialists note that many

organizations complain that it is difficult to find qualified disabled workers and prefer to pay the fines involved.

A handicapped legislator states that support for the disabled is limited mostly by a lack of bureaucratic support for the allocation of resources. He noted that since 1990 the Disabled Welfare Fund has accumulated approximately \$122 million, but it has spent only about \$140,000 because of a lack of personnel. As a result, only 10 percent of the 101,000 severely handicapped students receive special education, and education department funding for families to hire tutors directly for the remaining children is unrealistically low. Although voting rights for the disabled are protected, candidates for public office require high school diplomas, and few disabled persons receive full high school educations. The provincial government last year added 15 people to deal with the problems of the disabled. In addition, in conjunction with plans to increase welfare assistance to low-income elderly persons, the Cabinet in October also approved granting or increasing monthly allowances to an estimated 30,000 low-income disabled persons.

## **TANZANIA**

### *People with Disabilities (p. 298)*

Physically disabled individuals are effectively restricted in access to education, employment, and provision of other state services due to physical barriers, which are not legally prohibited, and limited funding for special facilities and programs

## **THAILAND**

### *People with Disabilities (p. 746)*

Since the disabled rehabilitation bill was approved by Parliament in 1991, the Government has taken few steps to implement the bill's provisions. The bill established a quota system and employer incentives for hiring the disabled, but did not include provisions for special education or training in the workplace. There are no laws or regulations mandating access for disabled persons.

## **TOGO**

### *People with Disabilities (pp. 306-307)*

The Constitution obliges the Government to aid disabled persons and shelter them from social injustice, but government assistance is limited in practice. Although disabled persons are not subject to official state discrimination and hold some responsible positions in the Government, disabled persons have no meaningful recourse against private sector discrimination. Some disabled persons find assistance and a livelihood in privately supported workshops, while many others are compelled to beg in the streets. The Government does not mandate accessibility of public or private facilities.

**TONGA*****People with Disabilities (p. 751)***

No mandated provisions for accessibility for the disabled exist. There were no known complaints of discrimination in employment, education, or provision of other state services.

**TRINIDAD AND TOBAGO*****People with Disabilities (p. 561)***

There is no legislation that specifically protects the employment rights of the disabled, but there exists a body of social services legislation that affords pensions and public assistance for disabled persons unable to find employment. The Government provides substantial funding for private schools and institutions that provide education, child care, and support for disabled children and young adults. The Government has not enacted legislation to assure accessibility for the disabled to government services. The Government released a draft policy in the fall of 1993 listing proposed improvements to the existing policy toward the disabled. The draft was still under discussion at year's end.

**TUNISIA*****People with Disabilities (p. 1299)***

The rights of the people with disabilities are protected by a law enacted in 1981 that prohibits discrimination based on disabilities and mandates that at least 1 percent of public agency and private sector employees be disabled persons. There are approximately 10 nongovernmental organizations that address the rights of disabled persons. These organizations receive government financing administered by the Ministry of Social Affairs and operate schools and other social programs for the benefit of the disabled. They also bring pressure on the Government to show sensitivity to the problems and rights of the disabled. The Ministry of Education operates one school for the deaf and two for the blind. All public buildings constructed since 1991 must guarantee accessibility to physically disabled persons. Many cities, including Tunis, have begun to install wheelchair access ramps on city sidewalks, and there is a general trend toward making public transportation more accessible to disabled people. Disabled persons also receive special cards from the Government which entitle them to such benefits as unrestricted parking, priority in receiving medical services, priority on public transportation, and some discounts. Vehicles purchased to transport disabled people are exempt from taxes and customs duties.

**TURKEY*****People with Disabilities (p. 1105)***

Parliament established a commission to look into the problems of the disabled, but to date legislation dealing with the disabled is piecemeal, and there is little legislation regarding accessibility for the disabled. Certain categories of employers are required to hire disabled persons as 2 percent of their employee pool, although there is no penalty for failure to comply.

One M.P., himself disabled, is working on a draft law which would fold all current provisions regarding the disabled into one piece of legislation. The draft reportedly will include educational provisions (currently there are special schools for the blind, deaf and mentally handicapped), provisions to educate the general public, a provision that municipalities not issue building permits unless the plans for the building provide for access for the disabled, and provide for an easing of customs regulations to allow for easier importation of special equipment.

## **TURKMENISTAN**

### ***People with Disabilities (p. 1112)***

Government subsidies and pensions are provided for those with disabilities, and those capable of working are generally provided with jobs under still-valid preindependence policies which virtually guarantee employment to all. According to existing legislation, facilities for the access of the disabled must be included in new construction projects. Compliance is not, however, complete, and most older buildings are not so equipped.

## **TUVALU**

### ***People with Disabilities (p. 754)***

Although there are no mandated accessibility provisions for the disabled, there are no known reports of discrimination in employment, education, or provision of other state services

## **UGANDA**

### ***People with Disabilities (p. 314)***

The Government has not legislated accessibility for the disabled. The proposed Constituent Assembly is slated to have one representative for the disabled. Provisions to protect the disabled are included in the draft constitution. Widespread discrimination by society and employers limits job opportunities for those with physical disabilities; most are self-employed or are beggars. Educational opportunities, however, exist for those who can afford standard school fees. A small office within the Ministry of Local Government tries to assist disabled Ugandans, but it is hampered by lack of funding.

## **UKRAINE**

### ***People with Disabilities (p. 1118)***

By law, no discrimination based on disability is permitted; however, persons with disabilities are rarely employed. In the present economic crisis with high unemployment, there are no effective governmental programs targeted at increasing opportunities for the disabled. Public facilities are poorly adapted for the disabled.



**UNITED ARAB EMIRATES***People with Disabilities (p. 1306)*

The UAE has no federal legislation requiring accessibility for the disabled. However, the Ministry of Labor and Social Affairs sponsors the UAE Handicapped Centers, which provide facilities and services to the disabled. Services range from special education and transportation assistance to sending a team to the Special Olympics.

**UNITED KINGDOM***People with Disabilities (p. 1130)*

According to surveys, 6.5 million inhabitants of the UK have disabilities. Official discrimination against disabled persons is not sanctioned. However, studies indicate that social discrimination exists. Although the UK does not have one overarching law which addresses the rights of disabled people, a number of pieces of legislation guarantee social services. Benefits packages for disabled people are administered by various governmental departments. The benefits are designed to provide education, mobility, home care, and access to buildings. Access to buildings is generally poor.

Interest groups point out that the age of most buildings in London makes it difficult for a physically disabled person to obtain access even if there are ramps. Many buildings do not have elevators. Since 1985, government regulations have required that all new buildings meet the access requirements of all individuals with impaired mobility. In June 1992, the government made similar regulations for sensory impaired persons.

Government regulations mandate that by the year 2000 all taxis be wheelchair accessible. In 1944 the Government passed the Disabled Person's Employment Act, which instituted a quota system requiring businesses with more than 20 employees to hire disabled persons as 3 percent of their workforce. There have been 10 prosecutions under this Act. Government estimates are that 75 percent of companies fail to comply with the Act. Statistics with regard to unemployment of the disabled are not kept.

**URUGUAY***People with Disabilities (p. 566)*

There are approximately 250,000 persons with disabilities in Uruguay. A law covering the rights of the disabled was passed in 1989 but had not been implemented by the end of 1993. The law is mostly declarative, i.e., it does not stipulate specific remedial measures or sanctions for not complying with these measures. There is legislation requiring that 4 percent of public sector jobs be reserved for the disabled. However, only the municipality of Montevideo has made efforts to comply with this law.

**UZBEKISTAN***People with Disabilities (p. 1144)*

One of Uzbekistan's first laws, adopted only 2 months after independence in November 1991, was one guaranteeing support for invalids. This law was aimed at insuring the disabled the same rights as other people. However, little effort is made to bring the disabled into the mainstream. Society does not accept them, and for the most part the disabled are kept out of sight, either at home or in institutions. The State cares for the mentally retarded in special homes. The Government has not mandated access for the disabled.

**VANUATU***People with Disabilities (p. 757)*

There is no known governmental or national policy on the disabled. Their protection and care is left to the traditional extended family and voluntary nongovernmental organizations.

**VENEZUELA***People with Disabilities (p. 574)*

Rights for the disabled are very limited. According to local advocates, the disabled are discriminated against in many sectors, including education, health care, and employment. Disabled people report having been expelled from public university programs and turned away at hospitals, even for the treatment of afflictions unrelated to their disability. The physically impaired have minimal access to public transportation, and ramps are practically nonexistent even in government buildings.

In 1993 the Government passed the first comprehensive law to protect the rights of the disabled. The new law requires that all newly constructed or renovated public parks and buildings provide access for the disabled. Among other important provisions, the law forbids discrimination in employment practices and in the provision of public services. The Government did not make a significant effort to inform the public of the new law or to try to change the societal prejudice against the disabled.

**VIETNAM***People with Disabilities (p. 764)*

There is little official protection or government support for the disabled, and, apparently, no laws mandating access for the disabled.

**YEMEN***People with Disabilities (p. 1312)*

Disabled persons suffer discrimination based on traditional social prejudices against mental and physical handicaps. Persons with such handicaps are often isolated and are not given

equal opportunity for education or employment. As noted in Section I.c., mentally ill persons are occasionally shackled. The Government has not enacted legislation or otherwise mandated accessibility for the disabled.

## **ZAIRE**

### ***People with Disabilities (p. 323)***

The Government has not mandated any law or expenditures to improve access for the disabled and has not passed legislation specifically forbidding discrimination against disabled persons. A network of privately and publicly funded specialty schools provide education and vocational training to blind and physically disabled students. These schools, however, suffer from the same critical funding shortfalls that have devastated the educational system as a whole. Continued economic decline and a consequent dearth of investment in roads, sidewalks, public buildings, and transportation has rendered public facilities increasingly inaccessible to everyone, regardless of disability.

## **ZAMBIA**

### ***People with Disabilities (p. 331)***

Persons with disabilities face significant societal discrimination in employment and education. The basic law covering the disabled is the Handicapped Persons Act (HPA). It established the Zambia Council for the Handicapped, a government organization, which provides rehabilitative and social service to the disabled. There are no legal provisions prohibiting discrimination or mandating accessibility for the disabled. In 1993 the Minister of Community Development and Social Services named a task force to study the problems of the disabled with a view to drafting a new law to replace the HPA and better safeguard the rights of the disabled.

## **ZIMBABWE**

### ***People with Disabilities (p. 340)***

The Disabled Persons Act passed in April specifically prohibits discrimination against people with disabilities in employment, admission to public places, or provision of services. In practice, however, lack of resources for training and education severely hamper the ability of disabled people to compete for scarce jobs. Although the Act stipulates that access for disabled persons should be provided to government buildings after a request for access facilities has been made to the Disabled Persons Board and the Board has inspected the building and recommended adjustments for disabled access, few government buildings now provide access to the disabled.

(rev. 3)

